

EU Policy Update (EU2013.5): Reform of the Common Fisheries Policy (CFP) 2

Updated: October 2013

Introduction

On 13 July 2011 the European Commission published a package of proposals for the reform of the Common Fisheries Policy (CFP). Alongside this in December 2011 the Commission published proposals for European Maritime and Fisheries Fund (EMFF), the financial instrument that will support delivery of the reformed CFP.

Political agreement between the European institutions on the reform of the CFP was reached in May 2013 and the new requirements will come into force from January 2014.

Discussions on the EMFF are on-going with the European Parliament expected to vote on its position on the proposals in October 2013. The Council of Ministers has already agreed on its general position.

State Aid and Fisheries

The European Commission is carrying out a review of the existing regulations concerning State Aid to Fisheries and Aquaculture, with a view to publishing revised regulations in 2014.¹ This review is led by DG Maritime Affairs and Fisheries, in conjunction with DG Competition. The review will look at how the legal framework needs to be adjusted in the context of the recent reforms agreed for the Common Fisheries Policy, and in light of the experiences over the past five years of using the current legislation in the Fisheries and Aquaculture sector.

Summary of Main CFP Reforms Agreed

The basic regulation sets out the main objectives and rules that will govern the reformed CFP.² A number of new and important changes will be made to the Policy.

- **Maximum Sustainable Yield:** Member States and the European Parliament have agreed that fish stocks within the EU should be fished at levels above maximum sustainable yield³ by 2015 unless it would 'seriously jeopardise' the social and economic sustainability of fishing fleets. In these instances maximum sustainable yield should be achieved as soon as possible, but by no later than 2020.

¹ European Commission, *Government subsidies to the fisheries and aquaculture sector*, (Website) [accessed 27 September 2013]

² The text of the original proposal put forward by the European Commission can be viewed on the Commission's website [here](#). The text of the agreed regulation reached by the European Parliament and the Council can be viewed [here](#).

³ Maximum Sustainable Yield is defined as the largest number of a species stock that can be taken without affecting its ability to reproduce and sustain itself.

- **Multi-annual Plans:** Ecosystem multi-annual plans for the management of whole fisheries where possible will be adopted. Plans will be required to contain clear objectives for the management of the fishery and be developed in consultation with the Advisory Councils.
- **Regional Fisheries Management:** Agreement has been reached on the adoption of a more regional approach to fisheries management. Member States can cooperate on a regional sea basis to adopt joint recommendations and instruments for management of relevant fisheries. These joint proposals will be submitted to the European Commission for them to adopt.

If Member States fail to agree on joint measures by a specified date then the European Commission can propose its own and adopt them through the relevant legal procedure.
- **Access to Quota:** Member States may, if they wish, introduce a system of transferable fishing concessions⁴ but will no longer be required to as originally proposed by the Commission.

In distributing quota Member States should endeavour to give preferential access to the small scale, artisanal and coastal fleet.

Distribution of quota by Member States should be done on the basis of transparent and objective criteria including environmental, social and economic criteria. Quota incentives should also be provided to operators who fish in the least environmentally damaging way.

⁴ The Commission had proposed a mandatory system of transferable fishing concessions. Whereby each boat over 12 metres in length would be given its own quota to use itself or to lease to other boats.

- **Capacity of the Fleet:** Member States will be required to produce and publish an annual report on the capacity of their fleet. This will include an outline of whether there is any structural overcapacity in their fleet. If overcapacity is identified then Member States will be required to produce an action plan setting out how this will be addressed.
- **Discards:** An agreement has been reached to introduce a 'landing obligation' or a discard ban on a gradual fishery by fishery basis from 2015. It will be introduced for all fisheries covered by the CFP by 2019. However, Member States will be able to introduce a de-minimus exemption i.e. a percentage that wouldn't be subject to a ban where scientific evidence shows that selective fishing within that fishery is very difficult or where avoidance of unwanted catch in a fishery would be at a disproportionate cost.

An exemption to the obligation to land will also apply to unwanted catch where the best scientific evidence demonstrates that they have a high survival rate on return to the sea.

Any fish landed that are below the minimum conservation size will not be allowed to be sold for human consumption.

In preparation for the introduction of the obligation to land Member States may introduce pilot schemes to test and improve gear selectivity.⁵

⁵ Gear selectivity relates to improving the fishing gear used by boats for their catch to ensure that they are better able to target the species they are fishing for. Improved gear selectivity reduces the amount of unwanted by-catch.

- **Data Collection:** Member States will be required to report annually on their plans for data collection and to publish this plan. Member States will be required to provide access to data for interested parties and acquisition of data by Member States will be eligible for support by the European, Maritime and Fisheries Fund.
- **Aquaculture:** Aquaculture has been included within the remit of the CFP. Member States will be required to develop national strategic plans to support the development of sustainable aquaculture within their territories. To ensure commonality between plans the European Commission will be required to develop guidelines on the contents of the plans for Member States.

Common Market Organisation

Agreement has also been reached between the European institutions on the proposals to reform the common market for fisheries.⁶ The reforms agreed will see the introduction of a new eco-label for fisheries products. This label will aim to improve consumer knowledge about the sustainability, quality and traceability of fisheries products. The role of Producer Organisations in monitoring, managing and ensuring the compliance of their members has also been strengthened.

Relevance to Wales

The CFP applies to the territorial seas of Member States outside of 12 nautical miles.

The Welsh Government is responsible for the management, control and enforcement of the CFP out to the UK's westward maritime border with Ireland.

⁶ COM (2011) 416

In 2011 there were 693 regular commercial fishermen in Wales and approximately 298 involved on a part-time basis.⁷ Of approximately 465 boats registered to fish out of Wales 425 of these are less than 10 metres in length. This means that the vast majority of the fleet in Wales is small scale and coastal in nature.⁸ Although the remit of the CFP is less likely to apply to these fishermen than the large commercial boats over 10 metres in length Welsh fishermen do fish for species covered by the CFP. Responsibility for the administration of the Welsh element of the UK's fisheries quota lies with Welsh Ministers.

Welsh Government Response

The Minister for Natural Resources and Food, Alun Davies, has welcomed the agreement reached in Brussels. Speaking in Plenary in the Assembly on 18 June the Minister stated:

It is not perfect but is a positive framework for us to work in. In particular I want Wales to lead on the development of more regionalised regulation in our waters, working with other administrations around the Irish Sea and other countries fishing there.⁹

The Minister has announced that the Welsh Government is developing a new Marine and Fisheries Strategy for Wales which will be published in November 2013.

⁷ Marine Management Organisation, *UK Sea Fisheries Statistics 2011*, [accessed 23 September 2013]

⁸ Marine Management Organisation, *UK Sea Fisheries Statistics 2011*, [accessed 23 September 2013]

⁹ Welsh Government, Alun Davies (Minister for Natural Resources and Food, *Welsh Marine and Fisheries Strategy (Oral Statement)*, 18 June 2013 [accessed 23 September 2013]

UK Government Response

The UK Government has welcomed the content of the reforms agreed on the CFP and in particular the proposals to introduce an element of regionalisation to fisheries management. The UK Environment Minister Richard Benyon stated:

This agreement hails a significant breakthrough that will make fishing more sustainable, will end centralised on-size-fits-all approach to decision-making and will make discards a thing of the past. This broken policy is finally on the right path.¹⁰

Devolved Administration Response

The Scottish Government's response to the agreed reforms has been more cautious. Whilst Scottish Ministers have welcomed the degree of increased regionalisation they have called for further decentralisation of fisheries management powers from Brussels.¹¹ The Scottish Minister with responsibility for fisheries, Richard Lochhead has stated that the agreement reached on discards will be tough for the Scottish fishing fleet but workable.

The Northern Ireland Minister for Agriculture and Fisheries, Michelle O'Neil has stated that the agreement will provide a 'significant reform' of the CFP and has welcomed the steps towards more regionalised fisheries management contained in the reform.¹² The Northern Ireland Executive would support further decentralisation of fisheries management under the CFP. A package of financial support has been announced to help the Northern Ireland fishing fleet adapt to the requirements of the new CFP.

¹⁰ Defra Press Release, *Historic fisheries deal secured by UK government*, 14 June 2013 [accessed 23 September 2013]

¹¹ Scottish Government Press Release, *New CFP takes big step forward*, 15 May 2013 [accessed 23 September 2013]

¹² Northern Ireland Executive Press Release, *O'Neill Welcomes Council Agreement on CFP Package*, 15 May 2013 [accessed 23 September 2013]

Progress of dossier in the EU Institutions

As stated previously a political agreement on the basic regulation, the main element of the reform package, was agreed on 30 May 2013.

Agreement on the Common Market regulation was reached in early May 2013.

Formal legal adoption of the reformed regulations will take place before the end of 2013 with the new policies coming into force on 1 January 2014.

Negotiations on the EMFF regulation are on-going. The European Parliament's Fisheries Committee has adopted its report. A vote on this report in a full plenary of the Parliament is expected to take place in October 2013. If the reported is adopted successfully in Plenary the Parliament will open trilogue negotiations with the Council of Ministers and the European Commission.

The Council of Ministers agreed its general approach on the EMFF which forms its agreed negotiation position in July 2013.¹³

¹³ Council of the European Union Press Release, *3253rd Council Meeting, Agriculture and Fisheries Council 15 July 2013*, [accessed 23 September 2013]

Further information

Links to key stakeholder responses can be found below:

- [Europeche](#)
- [Greenpeace](#)
- [Ocean 2012](#)

Further information can be found on the following websites:

- [Welsh Government Fisheries](#)
- [European Commission CFP Reform](#)
- [CFP Reform Watch](#)
- [Environment and Sustainability Committee](#) or
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