

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

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In accordance with Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP), the Commission presents a report on the operation of the CFP with respect to chapters II and III.

The Commission is also obliged to report on the arrangements set out in Article 17 paragraph 2 on fishing restrictions in the 12 nautical miles waters by 31 December 2011. This report complements the reporting in the [Green Paper](#) on the Reform of the Common Fisheries Policy.

Chapter II – Conservation and Sustainability: the report notes that since 2002, multi-annual recovery and management plans with clear objectives and harvest rules have become the core of the conservation policy, and it gives an overview of the initiatives undertaken in this area. Community plans were adopted for 17 stocks in the EU waters. By the end of 2010, around 25% of the stocks and 80% of the catches concerned (in tonnes) can be considered under multiannual plans and harvest rules. The 2010 Communication on consultation on fishing opportunities showed improvements in the situation since 2003: a decrease in the numbers of stocks outside safe biological limits, as well as in stocks for which a fishing closure has been advised. However, of the stocks for which robust data is available, **over 60% is still fished beyond maximum sustainable yield**. Progress has been made as regards the levels of Total Allowable Catches (TAC) adopted by Council, compared to sustainable catch levels: on average, Council exceeded advice by 45%, with peaks as high as 59% (2005) and 51% (2008), but the gap between the advice and the result has narrowed in the last two years, and the 23% gap in the decision for 2011 is unprecedented. There has been an increase in the number of stocks for which no scientific advice is available.

From this overview it can be confirmed that:

- multi-annual plans are more effective in taking a long-term perspective in managing stocks than the annual TAC decision-making, especially since Council has started to respect the rules of the plans for the TACs;
- nevertheless, the framework resulting from the 2002 CFP reform has not curbed over-fishing enough, so EU fisheries continue to see declining catches taken from EU waters;
- the very significant gap between the levels of TACs agreed in Council and sustainable catches confirms the prevalence of short-term concerns over long-term sustainability. This continues to put stocks at further risk, though the recent narrowing of the gap is a significant step forward;
- while vital to sound policy making, the knowledge base is under constant pressure, impeding progress in the coverage of stocks for which scientific advice is provided;
- the new CFP needs to provide the right tools for integrating the ecosystems approach fully into conservation and sustainability.

Chapter III – Adjustment of Fishing Capacity: in 2002, responsibility for adjusting the size of the fleet was devolved to Member States. From then on, targets for mandatory cuts to fishing capacity were no longer set. Nevertheless, there were still global limits on fishing capacity per Member State, and these have been complied with. However, **it is clear that there is still significant over-capacity, and this is still a serious problem**. The devolution of fleet management to Member States has not led to sufficient

cuts in fleet capacity, even if nominal capacity is within the ceilings set for Member States. Adjustment has been relatively slow, despite the poor state of stocks throughout the EU. The drop in fleet capacity decrease is nominal, and has stayed below what is considered the technological development rate of the fleet. As there are no real yardsticks for success, it has not been possible to verify what progress has actually been made. In short, **the policy on adjusting the size of the fleet has not delivered satisfactory results.**

All Member States have complied with legal fishing capacity limitations. Though some had difficulties when the new rules came into force, today most Member States have fleets with capacity under the ceilings they are allowed. This margin averages 10% in tonnage and 8% in power. This means that reductions in the size of the fleet were partly achieved without public aid. Given that Member States have complied with fishing capacity management rules, Article 16 on the conditionality EU funds for the fleet has never been applied.

Lastly, the report notes that Member States are obliged to report on fleet capacity, and this is an essential component of the policy. The results assessed are not satisfactory. Member States have reported to the Commission annually, providing information for the Commission's annual report on the state of the fleet. However, **the reports might have been expected to show an excess of fishing capacity, the most important issue at stake, and the data available is inconclusive.** The reporting tool has not enabled precise estimates of excess fishing capacity per segment or fishery.

In view of the above, some conclusions can be drawn concerning the performance of the fishing capacity management provisions:

- despite compliance with the fishing capacity management rules defined at EU level, there are still clear indications of over-capacity in the EU fleet, namely excess of fishing mortality in some stocks, low profitability and low capacity utilisation;
- while tonnage is a reliable fishing capacity indicator, the Commission has serious concerns about the reported power of fishing vessels, as the data suggest under-declaration, making it extremely difficult to estimate fleet capacity accurately;
- the policy is static, in that it only establishes a ceiling, with no specific objectives for reduction. Compliance with nominal capacity limits under these ceilings does not mean that there is no persistent overcapacity. The system does not integrate technical progress into the management measures. However, due to technological progress, a static capacity ceiling leads to overcapacity;
- it has proven very difficult to set clear objectives for the size of the fleet and to monitor the balance between fishing capacity and fishing opportunities due to the complexity inherent in quantifying over-capacity. Determining an adequate level for the size of the fleet given a certain amount of fishing possibilities needs to take into account factors other than the biological and economic.

Article 12 – fishing restrictions in the 12 nautical miles waters: since 2002, the Commission has not been not informed of real problems on specific restrictions, whether on setting them, or on their management and functioning. Member States were able to resolve problems without having to refer any of them to the Commission. The regime is very stable, and the rules have continued to operate satisfactorily. All Member States stressed the importance of the specific restrictions in the light of their original objectives in their reactions to the Green Paper on CFP reform. One Member State suggested extending the 6-12 miles regime to 10-20 miles to achieve the regime's objectives more effectively. Considering the current conservation state of many stocks and the continued sensitivity of coastal waters for conservation, as well as difficulties in coastal areas highly dependent on fisheries and unlikely to benefit from other economic development, the objectives for the specific regime appear to remain as valid as they were in 2002. Modifying current arrangements might disrupt the balance that has developed since the introduction of the special regime.