

Reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP

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PURPOSE: to present a Commission report on Council Regulation (EC) n° 2371/2002 regarding the chapters Conservation and Sustainability and Adjustment of Fishing Capacity and also on the arrangements set out in Article 17 (2) on fishing restrictions in the 12 nautical miles waters.

CONTENT: 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 (Conservation and Sustainability) and III (Adjustment of Fishing Capacity) as well as on the arrangements on fishing restrictions in the 12 nautical miles waters. This report complements the reporting in the [Green Paper on the Reform of the Common Fisheries Policy](#).

Conservation and sustainability: since 2002, multi-annual recovery and management plans with clear objectives and harvest rules have become the core of the conservation policy. They balance ecological requisites (state of the stocks and exploitation rates) and economic and social considerations (stability of catches).

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. There has also been an increase in the number of stocks for which no scientific advice is available.

The Commission's report confirms 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 overfishing 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;
- lastly, the new CFP needs to provide the right tools for **integrating the ecosystems approach fully** into conservation and sustainability.

2) 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.

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.

Lastly, Member States are obliged to report on fleet capacity, and this is an essential component of the policy. The results assessed are not satisfactory. **The reporting tool has not enabled precise estimates of excess fishing capacity per segment or fishery.**

In view of these considerations, 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 utilization;
- 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;
- 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.

3) Fishing restrictions in the 12 nautical miles waters: the objectives related to introduction (before entry into force of the CFP) of specific arrangements in the waters up to 12 nautical miles were: (i) conservation of fish resources through allowing only small-scale coastal fleets into the area; (ii) preservation of coastal fleets' traditional fishing activities to maintain the social and economic infrastructure of these areas.

These specific restriction provisions were introduced in the CFP in 1983 and have been extended with every reform of the policy since.

Since 2002, **the Commission has not been not informed of (real) problems or conflicts 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. 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 ongoing 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 current balance that has developed since the introduction of the special regime.