

Common fisheries policy (CFP)

2011/0195(COD) - 18/10/2013 - Council position

The text of the Council position fully **reflects the compromise reached between the European Parliament and of the European Parliament.**

The compromise reflected in the Council position at first reading contains the following key elements:

Objectives: compromises needed to be found in particular on:

- the concept and timetable for introducing management of fish stocks in accordance with maximum sustainable yield,
- the relation to preserving the marine environment at large,
- the elimination of discards, and on fleet capacity adaptation.

The **most difficult compromise was the one on maximum sustainable yield.** It underlines the incremental process for the implementation of this management concept, but with definite timelines, and specifies that the key management parameter is the exploitation rate that the stocks experience through fishing.

Definitions: among the definitions, the compromise focused on the "**eco-system based approach to fisheries management**". The Parliament accepted the Council's new definitions on "discards" and on "Member States having a direct management interest".

Council accepted the Parliament's new definitions on "stock within safe biological limits", "low impact fishing" - with a small amendment -, "selective fishing" - with a small amendment, and "entry into the fleet".

Access to waters: Parliament accepted the enlargement of preferential treatment for local fleets in outermost regions towards all outermost regions. Council accepted the special mention of existing biologically sensitive areas which Parliament considered as access conditions.

Conservation measures: Parliament succeeded with a number of specifications concerning the lists of conservation and technical measures, while Council was able to maintain its position that technical measures should be seen as a sub-group of conservation measures.

- **Fish stock recovery areas:** Council accepted, with a number of amendments, the Parliament's amendment on fish stock recovery areas. Instead of empowering Member States to establish those areas, it was agreed to have Union measures based on regional cooperation among Member States; national measures remain possible under special provisions which concern the Member States' own vessels and their 12 mile zones.

- **Multiannual plans:** provisions were rationalised, linking them to the concept of maximum sustainable yield with a special provision for "mixed fisheries", and to the discard ban.

- **Conservation measures to pursue obligations under environmental legislation:** a difficult compromise was struck on the new Article concerning conservation measures to pursue obligations under environmental legislation. Council was able to clarify the scope of this provision and to incorporate a procedure which ensures the development of these measures within the regionalised cooperation by

Member States, in case more than one Member State is concerned. Council accepted the Parliament's amendment on continuing the empowerment for Member State emergency measures.

- **Landing obligation and fishing opportunities:** Council had to concede or tighten some elements of the flexibility mechanisms it had envisaged for the implementation of this obligation, while Parliament largely accepted the Council's position on the scope and roll-out of the landing obligation in the fisheries between 2015 and 2019. Parliament agreed to detail the implementation procedures so that, as a minimum requirement, so-called "discard plans" adopted as delegated acts have to be in place when the landing obligation enters into force, while as a general rule multiannual plans will be the instrument of implementation.

- **Controlling the discard ban:** a compromise was also found for the general rules on controlling the discard ban. The Parliament conceded a number of amendments it envisaged under Article 16 (fishing opportunities). However, Council had to accept that general rules on the allocation of fishing opportunities within Member States were established in the regulation.

- **Regionalisation:** the compromise opted for a more succinct drafting of this part, while maintaining the various avenues of either Union or Member State measures.

Management of fishing capacity: both Parliament and Council were opposed to the introduction of a compulsory trade in fishing concessions. Council partly accepted the Parliament's amendments for a more comprehensive procedure of capacity reporting, including the introduction of calculation standards based in Commission guidelines. Parliament largely accepted the Council's position with regard to the proportionality of financial sanctions in case of non-compliance.

Scientific base for fisheries management: Council partly accepted the Parliament's quest for more transparency in data collection activities and reporting.

External policy: the Council supported more detailed provisions than those contained in the proposal. Parliament also accepted to group policy elements which concern stocks exploited together with third countries or the management of stocks jointly with third countries, into one single Article.

Aquaculture: Council accepted an additional focus on environment and resource efficiency within multiannual national strategic plans, as requested by Parliament.

Control and enforcement: a compromise was found on the control principles, and Council agreed to the creation of an expert group on compliance. Its tasks were enlarged towards an advisory function.

Financial instruments: Council preferred dealing with these issues when negotiating the regulation on the EMFF, but agreed to having general principles of cross-compliance established in the CFP regulation.

Advisory Councils: both Parliament and Council were in favour of enlarging the number of advisory councils and detailing their functioning within the regulation. The Council accepted the Parliament's request for an advisory council for markets.

Delegation of powers: with regard to delegated acts, Parliament in the majority of cases supported the Commission proposal which had foreseen 12 empowerments for delegated acts. While the Council's general approach already accepted five of them, the final compromise resulted in six such empowerments. Most of them (four) concern the implementation of the discard ban.

In a letter addressed to the Chairman of the Permanent Representatives Committee, the Chair of the European Parliament's Committee on Fisheries, recommended to the members of the PECH Committee, and subsequently to the plenary, to **accept the Council's position at first reading without amendments at Parliament's second reading.**