

Sustainable management of external fishing fleets

2015/0289(COD) - 25/10/2017 - Commission communication on Council's position

The Commission presents a communication concerning the position of the Council on the adoption of a regulation of the European Parliament and of the Council on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008.

The Commission **supports the political agreement** reached by the European Parliament and the Council on 20 June 2017. Parliament has agreed on new elements derived from compromises reached with the Council during the trilogues. It has, however, maintained its position at first reading, which is reflected in the final political agreement.

The Council position **departs from the Commission proposal** concerning the scope of the proposal, the definitions used, and the procedures for issuing fishing authorisations. It further **strengthens provisions on equal treatment**, ensuring that EU vessels, operating inside and outside EU waters, are treated equally, and third country vessels in EU waters are to abide by the same conditions as EU vessels operating within and outside EU waters.

The Commission considers that these changes contribute to reinforcing the consistency of the proposal, simplify and streamline the procedures, minimise administrative burden and refer as much as possible to existing rules under regional fisheries management organisations (RFMOs), international fisheries agreements, including Northern Agreements and Sustainable Fisheries Partnership Agreement (SFPAs).

The Commission proposal was therefore amended to provide for the following measures reflected in the political agreement:

Inclusion of new Section 2 on "fishing activities under agreements on exchange or joint management": this section clarifies the scope of the proposal and ensures that all third country fishing vessels fishing in EU waters are covered by the regulation.

Eligibility criteria: the Commission accepts the removal of the eligibility criterion regarding **the absence of serious infringements in the last 12 months prior to applying for a fishing authorisation** for fishing operations outside Union waters, provided that a legal basis allowing the Commission to intervene in order to stop a vessel from fishing under Article 7 is agreed. Parliament supported the Commission's initial proposal.

Monitoring fishing activities: the Commission has accepted that the intervention by the Commission to stop a vessel from fishing is limited to areas where there is an international fisheries agreement binding the Union vis-à-vis RFMOs or third countries under SFPAs. Parliament supports a solid legal basis for the Commission to intervene in order to stop a vessel from fishing when that vessel does not comply with the rules.

Reflagging operations: EU vessels may not fish in waters of non-cooperating third countries pursuant to the IUU (illegal, unreported and unregulated fishing) Regulation. The Commission has accepted that **six weeks' notice** would be given to the vessel to leave the third country waters, once the third country is identified as non-cooperating under Article 31 of the IUU Regulation.

Reallocation of unused fishing opportunities: whilst the proposal grants the Commission implementing power to reallocate unused fishing opportunities, the Council insists on doing the reallocation based on Article 43(3) TFEU. As a part of an overall compromise, the Commission accepts this legal basis for the reallocation of unused fishing opportunities.

Transshipment: the Commission has accepted the compromise consisting of expanding the scope of the proposal to **transshipments in the high seas and for direct authorisations**, including a prior notification to the flag Member State and an annual reporting for Member States to the Commission. Parliament wanted to include "landings" and "transshipments" in the definition of "fishing activities".

Public information in the database: Parliament's position included: (1) the Community Fleet Register and IMO numbers; (2) the name, city and country of residence of the company owner and the beneficial owner; and (3) the type of authorisation and fishing opportunities.

Neither the Council, nor the Commission can support Parliament's position. A compromise was reached whereby the data on the company owner and the beneficial owner will be stored on the secure part of the database. In addition, the following data will be made public: (1) the CFR and IMO numbers; (2) the type of authorisation including target species or group of species; and (3) authorised time and zone of fishing activity.