

Fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters

2007/0114(CNS) - 18/06/2007 - Legislative proposal

PURPOSE: to introduce a general Community system for the authorisation of all fishing activities of Community vessels outside Community waters.

PROPOSED ACT: Council Regulation.

CONTENT: this proposal is fully in line with plans for simplifying and improving the Common Fisheries Policy (CFP). The CFP has two purposes. Firstly, to administer fishing activities in Community waters and secondly, to administer the fishing activities of Community fishing vessels outside of those waters. This proposal concerns itself with the latter purpose of the CFP – i.e. administering the fishing activities of Community fishing vessels outside of those waters. International fishing activity can be grouped into three sets of activities: i) bilateral Agreements between the Community and South American and African states; ii) Agreements under the scope of various Regional Fisheries Management Organisations (RFMO); and iii) fishing activities on the high seas, not covered by any specific Agreement.

Bilateral Fisheries Agreements: the Community fishing fleet is active in the territorial waters of around 20 third countries, under the scope of bilateral Agreements. Most of those Agreements include a financial contribution for the Community. This is the case with many African and South American states including, for example, Gabon, Cap Verde, Senegal etc. It also includes Greenland. The other “northern bilateral Agreements”, however, concluded with Norway, Iceland and the Faroe Islands, (as well as French Guyana), do not entail a financial contribution for the Community and are mainly based on the trading of fishing rights.

Regional Fisheries Management Organisation (RFMO): in international waters, the Community fleet engages in fishing activities under the scope of the various RFMO Agreements, such as the Northwest Atlantic Fisheries Organisation (NAFO); the Indian Ocean Tuna Commission (IOTC) or the Southeast Atlantic Fisheries Organisation (SEAFO).

The high seas: lastly, Community fishing activities take place on the high seas. Such activities are not regulated by any specific Agreements.

Existing provisions relating to the authorisation of fishing activities of Community fishing vessels outside Community waters are currently laid down in several different legal texts with Regulation (EC) No 3317/94 containing the general rules concerning the procedure for transmitting applications to third countries. Under the current legal framework (i.e. bilateral and RFMO Agreements) procedures and provisions vary considerably. For example, as well as differing procedural provisions, a number of specific rules exist with regard to the authorisation of fishing activities under certain bilateral fisheries Agreements as well as under RFMO Agreements. Further, the fishing activities of third country fishing vessels in Community waters is regulated by yet another Regulation as well as the yearly TAC and Quota Regulation.

The administration of the various Agreements can be cumbersome and requires the detailed archiving of files for each vessel. In cases where the Agreement involves a financial contribution from the Community, further administrative work is needed to calculate fees, inventories of errors etc. Approximately 400 Community fishing vessels share 1 600 authorisations yearly to fish under such agreements. As regards

Agreements without a financial contribution, quota transfers occur whereby new authorisations are requested. Around 850 Community Fishing vessels share 1 600 authorisations under such types of Agreements.

The purpose of this proposal, therefore, is to simplify and improve the procedures related to the management of fishing authorisations. It intends to do so by setting up general rules and conditions that can be applied to all requests for authorisation. A single procedure for the management of all fishing authorisations is being proposed. The general division of responsibility, between the Commission and the Member States, is fixed.

In addition, the proposed Regulation provides for the uniform transmission of electronic data. Not only will this help facilitate the speeding up of procedures it will also help reduce the number of mistakes being made through the process. The Commission, Member States and fishermen will be able to get feed-back on-line or via e-mail at every stage of the process.

New eligibility criteria, sanctions and reporting provisions are also being proposed. For example, vessels failing to comply with EU provisions in the previous year will not receive any authorisations. Compliance with international obligations under the various Agreements is strengthened by introducing measures that oblige the Member States to prohibit a vessel from fishing if it has been involved in a serious infringement or in cases where it has been placed on an IUU list.

In other provisions, the Commission is proposing that authorisations may be refused in cases where Member States do not have the capacity for the number of authorisations requests. In order to make maximum use of fishing opportunities the temporary reallocation of fishing authorisations will be allowed in cases where fishing opportunities are being underused.

Once adopted the proposed Regulation should have a significant impact on simplifying the workload of both national administrations and the Commission. Fishermen will also benefit from clearer rules and a reduced workload through enhanced computerisation and the automation of certain procedures. It is also expected that CFP rules will be better enforced thanks to the new rules on criteria, sanctions and reinforced reporting criteria of catches.

The proposal has no impact on the Community budget.