




| Basic information                                                                                                                                                                                                                                                                                                                                                                             |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <p><b>2007/0114(CNS)</b></p> <p>CNS - Consultation procedure<br/>Regulation</p>                                                                                                                                                                                                                                                                                                               | Procedure completed |
| <p>Fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters</p> <p>Repealing Regulation (EC) No 3317/94 1993/1038(CNS)<br/>Repealed by 2015/0289(COD)</p> <p><b>Subject</b></p> <p>3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas<br/>3.15.15 Fisheries agreements and cooperation</p> |                     |

| Key players                   |                                                        |  |                                               |                  |
|-------------------------------|--------------------------------------------------------|--|-----------------------------------------------|------------------|
| European Parliament           | <b>Committee responsible</b>                           |  | <b>Rapporteur</b>                             | <b>Appointed</b> |
|                               | <b>PECH</b> Fisheries                                  |  | MORILLON Philippe (ALDE)                      | 28/02/2008       |
|                               | <b>Committee for opinion</b>                           |  | <b>Rapporteur for opinion</b>                 | <b>Appointed</b> |
|                               | <b>DEVE</b> Development                                |  | AUBERT Marie-Hélène (Verts/ALE)               | 17/07/2007       |
|                               | <b>ENVI</b> Environment, Public Health and Food Safety |  | The committee decided not to give an opinion. |                  |
|                               |                                                        |  |                                               |                  |
| Council of the European Union | <b>Council configuration</b>                           |  | <b>Meetings</b>                               | <b>Date</b>      |
|                               | Agriculture and Fisheries                              |  | 2892                                          | 2008-09-29       |
| European Commission           | <b>Commission DG</b>                                   |  | <b>Commissioner</b>                           |                  |
|                               | Maritime Affairs and Fisheries                         |  | BORG Joe                                      |                  |

| Key events |                                            |                                                                                                        |         |
|------------|--------------------------------------------|--------------------------------------------------------------------------------------------------------|---------|
| Date       | Event                                      | Reference                                                                                              | Summary |
| 18/06/2007 | Legislative proposal published             | COM(2007)0330<br> | Summary |
| 03/09/2007 | Committee referral announced in Parliament |                                                                                                        |         |

|            |                                                                 |                                                                                     |                         |
|------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------|
| 28/02/2008 | Vote in committee                                               |                                                                                     | <a href="#">Summary</a> |
| 11/03/2008 | Committee report tabled for plenary, 1st reading/single reading | <a href="#">A6-0072/2008</a>                                                        |                         |
| 09/04/2008 | Debate in Parliament                                            |  |                         |
| 10/04/2008 | Decision by Parliament                                          | <a href="#">T6-0118/2008</a>                                                        | <a href="#">Summary</a> |
| 10/04/2008 | Results of vote in Parliament                                   |  |                         |
| 29/09/2008 | Act adopted by Council after consultation of Parliament         |                                                                                     |                         |
| 29/09/2008 | End of procedure in Parliament                                  |                                                                                     |                         |
| 29/10/2008 | Final act published in Official Journal                         |                                                                                     |                         |

#### Technical information


|                                   |                                                                                                                   |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Procedure reference</b>        | 2007/0114(CNS)                                                                                                    |
| <b>Procedure type</b>             | CNS - Consultation procedure                                                                                      |
| <b>Procedure subtype</b>          | Legislation                                                                                                       |
| <b>Legislative instrument</b>     | Regulation                                                                                                        |
| <b>Amendments and repeals</b>     | Repealing Regulation (EC) No 3317/94 <a href="#">1993/1038(CNS)</a><br>Repealed by <a href="#">2015/0289(COD)</a> |
| <b>Legal basis</b>                | EC Treaty (after Amsterdam) EC 037                                                                                |
| <b>Stage reached in procedure</b> | Procedure completed                                                                                               |
| <b>Committee dossier</b>          | PECH/6/50801                                                                                                      |

#### Documentation gateway

##### European Parliament

| Document type                                                   | Committee            | Reference                    | Date       | Summary                 |
|-----------------------------------------------------------------|----------------------|------------------------------|------------|-------------------------|
| Committee draft report                                          |                      | <a href="#">PE398.568</a>    | 18/12/2007 |                         |
| Committee opinion                                               | <a href="#">DEVE</a> | <a href="#">PE396.813</a>    | 29/01/2008 |                         |
| Amendments tabled in committee                                  |                      | <a href="#">PE400.540</a>    | 01/02/2008 |                         |
| Committee report tabled for plenary, 1st reading/single reading |                      | <a href="#">A6-0072/2008</a> | 11/03/2008 |                         |
| Text adopted by Parliament, 1st reading/single reading          |                      | <a href="#">T6-0118/2008</a> | 10/04/2008 | <a href="#">Summary</a> |

##### European Commission

| Document type                                  | Reference                                                                                                            | Date       | Summary                 |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------|-------------------------|
| Legislative proposal                           | <a href="#">COM(2007)0330</a><br> | 18/06/2007 | <a href="#">Summary</a> |
| Commission response to text adopted in plenary | <a href="#">SP(2008)3169</a>                                                                                         | 28/05/2008 |                         |

| Additional information |          |      |
|------------------------|----------|------|
| Source                 | Document | Date |
| National parliaments   | IPEX     |      |
| European Commission    | EUR-Lex  |      |
|                        |          |      |

| Final act                                                                            |                         |
|--------------------------------------------------------------------------------------|-------------------------|
| <a href="#">Regulation 2008/1006</a><br><a href="#">OJ L 286 29.10.2008, p. 0033</a> | <a href="#">Summary</a> |

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

2007/0114(CNS) - 29/09/2008 - Final act

PURPOSE: to update the authorisations system for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters.

LEGISLATIVE ACT: Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94.

CONTENT: following the 2006-2008 [Action plan](#) for simplifying and improving the Common Fisheries Policy, presented in the Communication from the Commission to the Council and Parliament of 8 December 2005, and the changed circumstances for fisheries outside Community waters since the adoption of Regulation (EC) No 3317/94, and in order to comply with international obligations, it was necessary to introduce a general Community system for the authorisation of all fishing activities of Community fishing vessels outside Community waters.

Moreover, the rules for access of fishing vessels flying the flag of a third country to Community waters, as currently laid down in other different legal instruments, needed to be redefined.

The purpose of the system is to:

- better align the Community authorisation procedures with international obligations deriving from bilateral fisheries agreements and multilateral agreements and conventions adopted in the framework of regional fisheries management organisations (RFMO);
- better comply with the objectives of the Common Fisheries Policy (CFP), in particular with regard to sustainable fisheries and control.

In practice, the Regulation establishes provisions regarding:

(a) the authorisation for Community fishing vessels to engage in the following fishing activities: (i) in the waters under the sovereignty or jurisdiction of a third country in the framework of a fisheries agreement concluded between the Community and that country, or (ii) falling under the scope of conservation and management measures adopted in the framework of a regional fisheries management organisation or similar arrangement to which the Community is a contracting party or non-contracting cooperating Party, or (iii) outside Community waters not falling under the scope of a fisheries agreement or a RFMO;

(b) the authorisation for third country fishing vessels to engage in fishing activities in Community waters;

(c) the reporting obligations relating to the authorised activities.

ENTRY INTO FORCE: 18/11/2008.

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

2007/0114(CNS) - 10/04/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by 492 votes to 107 with 44 abstentions, a legislative resolution amending the proposal for a Council regulation concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters. The report had been tabled for plenary by Philippe **MORILLON** (ADLE, FR) on behalf of the Committee on Fisheries.

The amendments – adopted under the consultation procedure – aimed to clarify the scope of the regulation, the definitions of serious infringements and the IUU list. The main amendments were as follows:

-it was clarified that the Regulation does not apply to overseas territories of EU Member States;

-an infringement must be confirmed by a successful prosecution in accordance with the relevant national legislation;

-an IUU list means the list of fishing vessels identified in the framework of a RFMO or by the Commission under the proposed Council Regulation establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, as having been involved in illegal, unreported and unregulated fishing;

-only Community fishing vessels for which a fishing authorisation has been issued in accordance with this Regulation shall be entitled to engage in fishing activities outside Community waters;

-the Commission may seek expressions of interest from the Member States before negotiations start on an agreement, subject to confirmation once negotiations are complete and allocations made. When an agreement has been concluded by the third country and approved by Council, the Commission shall inform the Member States thereof;

-it should be possible to apply for authorisation for vessels which, for suitably justified reasons, have not been included in the list of vessels notified in accordance with Article 4;

-fishing vessels are ineligible, inter alia, where during the previous 12 months of fishing activities under the agreement concerned or, in case of a new agreement, of fishing activities of the agreement that preceded that agreement, have committed a serious infringement, or, where appropriate, have not yet fulfilled the conditions under that agreement for that period except where a penalty has already been imposed on the vessel concerned, where there is evidence that the infringement was not serious, and/or where the owner of the vessel has changed and the new owner provides guarantees that the conditions will be fulfilled;

-prior to any decision not to transmit applications Member States should have the opportunity to submit their observations, particularly in cases where action is needed to remedy omissions or resolve problems;

-Community fishing vessels for which a fishing authorisation has been issued under Section II or Section III shall transmit to their competent national authority the data concerning their catches and fishing effort with a frequency appropriate to each agreement and fishery concerned (rather than on a daily basis, as proposed by the Commission.) The transmission requirements shall be compatible with those contained in the e-logbook regulation ( Council Regulation (EC) No 1966/2006);

-when a Member State considers that the fishing opportunities which have been allocated to it have been exhausted, it shall immediately prohibit fishing activities for the respective area, stock or group of stocks, and suspend those authorisations which have already been granted;

-where fishing authorisations have been issued for mixed fisheries and one of the stocks or group of stocks concerned is deemed to be exhausted, the Member State shall prohibit the specific activities which threaten endangered stocks (rather than prohibit all fishing activities that are part of the mixed fisheries.)

## **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.