

Basic information	
2011/2291(INI)	Procedure completed
INI - Own-initiative procedure	
Reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP	
See also 2002/0114(CNS)	
Subject	
3.15.01 Fish stocks, conservation of fishery resources	
3.15.05 Fish catches, import tariff quotas	
3.15.06 Fishing industry and statistics, fishery products	
3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries	HAGLUND Carl (ALDE)	26/09/2011
		Shadow rapporteur FRAGA ESTÉVEZ Carmen (PPE) BESSET Jean-Paul (Verts/ALE) GRÓBARCZYK Marek Józef (ECR)	
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
European Commission	Commission DG	Commissioner	
	Maritime Affairs and Fisheries	DAMANAKI Maria	

Key events			
Date	Event	Reference	Summary
13/07/2011	Non-legislative basic document published	COM(2011)0418	

17/11/2011	Committee referral announced in Parliament		
20/06/2012	Vote in committee		
03/07/2012	Committee report tabled for plenary	A7-0225/2012	Summary
11/09/2012	Debate in Parliament		
12/09/2012	Decision by Parliament	T7-0335/2012	Summary
12/09/2012	Results of vote in Parliament		
12/09/2012	End of procedure in Parliament		

Technical information	
Procedure reference	2011/2291(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Amendments and repeals	See also 2002/0114(CNS)
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	PECH/7/07315

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE480.886	01/03/2012	
Amendments tabled in committee		PE485.898	29/03/2012	
Committee report tabled for plenary, single reading		A7-0225/2012	03/07/2012	Summary
Text adopted by Parliament, single reading		T7-0335/2012	12/09/2012	Summary
European Commission				
Document type	Reference	Date	Summary	
Follow-up document	COM(2011)0418 	13/07/2011	Summary	

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

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 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.

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

2011/2291(INI) - 03/07/2012 - Committee report tabled for plenary, single reading

The Committee on Fisheries adopted the initiative report by Carl HAGLUND (ALDE, FI) on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (CFP).

Members note that the Commission has now fulfilled its commitments under Council Regulation No 2371/2002, which obliges it to report on i) the operation of the CFP with respect to Chapters II (Conservation and Sustainability) and III (Adjustment of Fishing Capacity) of that regulation; and ii) on the arrangement on fishing restrictions in the 12 nautical mile zone.

Conservation and sustainability (Chapter II): the report stresses the need for a balance between the ecological and the economic and social situation in each fishery while acknowledging that without plentiful fish stocks there will be no profitable fishing industry.

Members believe that, as part of the objective of guaranteeing sustainability, the policies considered should focus on the future of the fishing sector and, consequently, on facilitating the entry of new generations of fishermen. They call on the Commission, the Member States and the Regional Advisory Councils (RACs), in the future, to use the ecosystem approach as a basis for all long-term management plans (LTMPs) which should be the basis of the future CFP.

The report highlights the need to develop an effective no-discards policy at EU level whereby the Community Fisheries Control Agency (CFFCA) has greater powers to ensure a fair system of rules and sanctions. It also stresses that selective fishing gear and other devices which reduce or eliminate by-catches of non-targeted species, or of juveniles of targeted species, should be promoted, along with other sustainable fishing methods.

The Commission is invited to:

- provide for the establishment of long-term management plans for all commercial EU fisheries within a highly decentralised management regime which fully involves all relevant stakeholders;
- assess the possibility of establishing a network of closed areas in which all fishing activities are prohibited for a certain period of time in order to increase fish productivity and conserve living aquatic resources and the marine ecosystem;
- address immediately the lack of sufficient reliable data necessary for sound scientific advice by establishing a system whereby Member States which do not fulfil their respective obligations regarding data collection and transmission under the European fisheries data programme are sanctioned.

The report emphasises that scientific fisheries research is an essential tool for identifying factors that influence the development of fishery resources, with a view to carrying out a quantitative assessment but also for improving fishing gear. In this context, it stresses the need to invest in the training of human resources, to provide adequate financial resources and to promote cooperation between various public bodies in the Member States.

Adjustment of fishing capacity (Chapter III): the report calls on the Commission to:

- establish a definition of overcapacity at EU level, accommodating regional definitions and taking into account local specificities;
- redefine fishing capacity in such a way that both the vessel's fishing capacity and its actual fishing effort are taken as a basis;
- measure, before the end of 2013, the capacity of European fleets in order to establish where there is overcapacity in relation to the resources available and what reductions/conversions are required;
- monitor and adjust fleet capacity ceilings for Member States so that they are in line with reliable data and technical advances are taken into account.

Members emphasise that the future European Maritime and Fisheries Fund (EMFF) must provide for adequate financial assistance to mitigate any socio-economic impact of measures aimed at reducing overcapacity, and to adjust the size and effort of fishing fleets in line with fishing opportunities and long-term sustainability.

The report stresses the need to set clear deadlines and make progress as soon as possible towards fleet adjustments where necessary. It urges the Commission to provide for a **scheme of measures to sanction Member States** which do not fulfil their respective obligations within the set timelines, while also providing adequate funding for this process, and to develop further the concept of **ecological and social conditionality** in the context of access to fishing resources and remuneration which rewards sustainable fishing.

Lastly, Members believe that, for the present, the **special access regime for small-scale fisheries in the 12 nautical mile zone should be retained**, as should specific restrictions for vessels registered in the ports of the Azores, Madeira and the Canary Islands in respect of the waters around these archipelagos, particularly the bio-geographically sensitive areas currently covered by Council Regulation (EC) No 1954/2003.

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

2011/2291(INI) - 12/09/2012 - Text adopted by Parliament, single reading

The European Parliament adopted by 377 to 241 votes, with 33 abstentions, a resolution on reporting obligations under Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

Members note that the Commission has now fulfilled its commitments under Council Regulation No 2371/2002, which obliges it to report on i) the operation of the CFP with respect to Chapters II (Conservation and Sustainability) and III (Adjustment of Fishing Capacity) of that regulation; and ii) on the arrangement on fishing restrictions in the 12 nautical mile zone.

Conservation and sustainability (Chapter II): the resolution stresses the **need for a balance between the ecological and the economic and social situation in each fishery** while acknowledging that without plentiful fish stocks there will be no profitable fishing industry.

Parliament believes that, as part of the objective of guaranteeing sustainability, the policies considered should focus on the future of the fishing sector and, consequently, on facilitating the entry of new generations of fishermen. It calls on the Commission, the Member States and the Regional Advisory Councils (RACs), in the future, to use the ecosystem approach as a basis for all long-term management plans (LTMPs) which should be the basis of the future CFP.

Parliament highlights the **need to develop an effective no-discards policy** at EU level whereby the Community Fisheries Control Agency (CFCA) has greater powers to ensure a fair system of rules and sanctions.

It argues that a discard ban should be implemented **gradually** on a fishery-by-fishery basis, form part of the different management plans and not relate to different fish stocks. It stresses that **selective fishing gear** and other devices which reduce or eliminate by-catches of non-targeted species, or of juveniles of targeted species, should be promoted, along with other sustainable fishing methods

The Commission is invited to:

- provide for the establishment of long-term management plans for all commercial EU fisheries within a highly decentralised management regime which fully involves all relevant stakeholders;
- assess the possibility of establishing a network of closed areas in which all fishing activities are prohibited for a certain period of time in order to increase fish productivity and conserve living aquatic resources and the marine ecosystem;
- address immediately the lack of sufficient reliable data necessary for sound scientific advice by establishing a system whereby Member States which do not fulfil their respective obligations regarding data collection and transmission under the European fisheries data programme are sanctioned;
- take measures to reduce the **negative effects of seals and certain seabirds** on fish stocks, particularly where these are invasive species in a particular region.

The resolution emphasises that **scientific fisheries research** is an essential tool for identifying factors that influence the development of fishery resources, with a view to carrying out a quantitative assessment but also for improving fishing gear. In this context, it stresses the need to invest in the training of human resources, to provide adequate financial resources and to promote cooperation between various public bodies in the Member States.

Adjustment of fishing capacity (Chapter III): Parliament calls on the Commission to:

- establish a **definition of overcapacity** at EU level, accommodating regional definitions and taking into account local specificities;
- redefine **fishing capacity** in such a way that both the vessel's fishing capacity and its actual fishing effort are taken as a basis;
- measure, before the end of 2013, the **capacity of European fleets** in order to establish where there is overcapacity in relation to the resources available and what reductions/conversions are required;
- **monitor and adjust fleet capacity ceilings** for Member States so that they are in line with reliable data and technical advances are taken into account.

Members emphasise that the future **European Maritime and Fisheries Fund** (EMFF) must provide for adequate financial assistance to mitigate any **socio-economic impact of measures** aimed at reducing overcapacity, and to adjust the size and effort of fishing fleets in line with fishing opportunities and long-term sustainability.

The resolution stresses the need to set clear deadlines and make progress as soon as possible towards fleet adjustments where necessary. It urges the Commission **to provide for a scheme of measures to sanction Member States which do not fulfil their respective obligations** within the set timelines, while also providing adequate funding for this process, and to **develop further the concept of ecological and social conditionality** in the context of access to fishing resources and remuneration which rewards sustainable fishing.

The Commission is called upon **to establish a system of result-based management for awarding access rights** whereby the burden of proof of sustainable fishing is upon the industry.

Lastly, Parliament believes that, for the present, **the special access regime for small-scale fisheries in the 12 nautical mile zone should be retained**, as should specific restrictions for vessels registered in the ports of the Azores, Madeira and the Canary Islands in respect of the waters around these archipelagos, particularly the bio-geographically sensitive areas currently covered by Council Regulation (EC) No 1954/2003.