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Conservation measures in the marine protected areas of Finngrundén, Svenska Högarna, Norra Midsjöbanken and Ottenby rev in the Baltic Sea Supplementing 2011/0195(COD)	
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Conservation measures in the marine protected areas of Finngrundén, Svenska Högar, Norra Midsjöbanken and Ottenby rev in the Baltic Sea

2026/2843(DEA) - 19/03/2012

The Council held a public debate on the three main proposals for regulations in the common fisheries policy (CFP) reform "package":

- **proposal for a regulation on the CFP** replacing the basic provisions of the CFP;
- [proposal for a regulation on the common organisation \(CMO\) of the markets in fishery and aquaculture products](#), focusing on market policy issues;
- [proposal for a regulation on the European Maritime and Fisheries Fund \(EMFF\)](#) replacing the existing European Fisheries Fund.

The debate on the proposal for a regulation on the CFP was focused on the issue of a **discard ban** as suggested by the Presidency. The orientation debate planned in April 2012 will focus on regionalisation and transferable fishing concessions.

Member States broadly welcomed the objective of having a ban on discards.

They clearly considered that discards represent avoidable waste, although such a ban should not apply to species with a good survival rate.

However, views concerning the modalities for the implementation of a discard ban differed.

- Whilst some delegations supported the landing obligation for all catches, or at least of all commercial species, several others preferred a cautious step-by-step approach. They pointed out for example, that this obligation was not practical in mixed fisheries.
- Most Member States considered that **such a ban should be led by a fisheries-based approach instead of a species-based approach**. Modalities should then be introduced, preferably through multiannual management plans.
- Member States were divided on whether the rollout should depend on the pace of the plans, or whether general target dates should be made obligatory; in any case, the Commission's timing was considered overambitious.
- Most Member States thought that the **setting of minimum conservation reference sizes** in the context of the landing obligation should be based on a reinforced scientific approach, based on the principle that fish caught should have had the chance to reproduce beforehand at least once. Moreover many delegations felt that the improvement of selectivity, for which the input of research and innovation was indispensable, was the best way to avoid **unwanted catches** in the first place.
- As regards the best way to deal with the inevitable residual unwanted catches that cannot be avoided, several delegations with fishing interests in the Mediterranean Sea raised concerns about the risk of developing a parallel market for juvenile fish the landing of which is currently prohibited. They considered impractical an obligation to transfer such landings to fishmeal plants (instead of human consumption markets) because such plants have a limited reach and it would be economically inefficient.
- Most member States maintained that **the CMO and the EMFF should strongly support the discards policy** through giving incentives to selectivity measures, and fostering the role of producer organisations which should be more active in joint quota management, selectivity measures and the marketing of fish that would otherwise have been discarded.

Commission's position:

- the Commission was open to having a fishery rather than a species-based approach, but within a strict timeframe to be set by the Regulation. Multiannual plans are the preferred implementation tool, but not a precondition for the ban;
- the Commission undertook to seek scientific advice on by-catches that have a good chance of survival, and on better gear selectivity. It agreed that there was a need to involve producer organisations fully in this policy;
- with regard to "regulatory discarding", the Commission states that it would screen existing legislation for its impact on discards, and asked the Council to look at whether some flexibility could be built into the system of relative stability;
- on the Mediterranean Sea, the Commission acknowledged the problem of juvenile fish and suggested looking at options such as the development of protected areas.

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2026/2843(DEA) - 26/04/2012

The Council held a **public debate** in the framework of the common fisheries policy (CFP) reform. The discussion focused on regionalisation and transferable fishing concessions TFCs, two specific issues raised in the proposal for a regulation on the CFP covering the basic provisions of the CFP.

Regionalisation: a large majority of Member States welcomed regionalisation as a flexible approach to adapt to the diversity of regions and countries in the EU. They considered the approach appropriate to tackle in particular multiannual plans but also technical measures. However questions subsisted on the best way to balance the empowerment of member states within the regionalisation and a model where the final decisions remain within an EU framework. **Most of Member States would like the last word to remain at the EU level** in order to ensure a level playing field.

Delegations agreed that **the work of the advisory councils (ACs) would be an important element of consultation** feeding into the preparation of regional positions, as well as relevant legal acts. Many delegations considered that their advisory role should be reinforced. While strengthening the regional approach there is a need to consider if the structure of the ACs should be revised, including the balance between the fishing sector, including representatives of employed fishermen and other interest groups such as environmental organisations and consumers.

Several Member States supported a joint declaration of Belgium, Denmark, France, Germany, Ireland and the United Kingdom elaborating a proposal for the process of decision within the framework of regionalisation. Details of fisheries management would be discussed with stakeholders; ACs would play a key role in the discussion alongside the Member States, in particular in the establishment of multi-annual plans. In case of unanimous agreement among Member States the Commission would use implementing acts to adopt the measures but in case of disagreement, measures would be proposed by the Commission for decision by the Council or by the Council and the European Parliament as appropriate.

Transferable fishing concessions (TFCs): views differed concerning the opportunity to introduce mandatory TFCs in the EU.

- Most delegations considered that such a scheme should only be established on a voluntary basis to allow an adaptation to the situation of each country.
- Many Member States mentioned the threat TFCs could impose on coastal communities and small scale fisheries. Some delegations feared that TFCs could trigger an excessive ownership concentration of fishing rights and would prefer TFCs not being exchangeable between Member States in order to avoid jeopardising the relative stability system.

The efficiency of TFCs in reducing the fishing fleet overcapacity was questioned by many delegations. Some delegations thought that the European maritime and fisheries fund (EMFF) should continue to tackle overcapacity. The Commission proposal on the basic provisions of the CFP considers that conservation of marine biological resources is key to achieving the objectives of the CFP; it envisages the reinforcement of multi-annual management plans to manage resources at levels that are capable of producing maximum sustainable yield (MSY), and the ending of the practice of discards. To regulate access to

resources better it also introduces a system of transferable fishing concessions, which could constitute a major driver for fleet capacity adjustment. It points out that reliable and full data, both for scientific advice and for implementation and control purposes, is central to well-functioning fisheries management. The proposal establishes that CFP should support the development of the aquaculture industry through strategic planning, alongside the new focus on aquaculture contained in the proposal on a European maritime and fisheries fund.

In addition to the orientation debates on regionalisation and the TFCs, ministers debated during their lunch on **socio-economic aspects of the CFP reform**, in particular the EU priorities among the proposed objectives and associated measures (small-scale fisheries, the creation of jobs and social cohesion in coastal and inland communities) and the necessary measures and financial support needed.

In July 2011, the Council held an initial public exchange of views on Commission proposals for the reform of the CFP.

Concerning the CFP reform, the Council already held policy debates during the March Council on the three main proposals for regulations in the CFP reform "package": basic provisions of the CFP, common organisation (CMO) of the markets in fishery and aquaculture products and the EMFF.

In the Council meeting in March, an orientation debate on the proposal for a regulation on the CFP was focused on the issue of a discard ban. A further orientation debate is planned on MSY and integration of environmental requirements, as well as the issue of the EMFF during the May Council.

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2026/2843(DEA) - 14/05/2012

The Council held **two public debates** in the framework of the common fisheries policy (CFP) reform.

- The first discussion focused on achieving environmental sustainability through maximum sustainable yield (MSY) and the integration of environmental law requirements into the proposal covering the basic provisions of the CFP.
- The second debate explored further the proposal for a regulation on the European maritime and fisheries fund (EMFF), replacing the existing European fisheries fund.

As regards the **environmental aspects of the CFP and MSY**, the debate focused on the following issues:

- **Inclusion of MSY as an objective in the CFP**: all the Member States agreed to the inclusion of MSY as an objective in the CFP, to ensure the sustainability of resources and better prospects for the fishing sector. However, most delegations urged a **gradual approach**: the deadline for reaching the MSY for certain fish stocks could be set in 2015, in line with the EU's international commitments (Johannesburg), if scientific advice was available and no third countries were involved in the fishery. In other cases, in particular when the scientific information available was poor, a deadline could be set in 2020 at the latest.

Most Member States favoured a focussed political objective in the basic regulation, while details on implementation should be addressed through individual multiannual plans.

- **Mixed fisheries**: most of the Member States considered it a challenge to reach MSY simultaneously for all stocks caught in a mixed fishery. This held in particular for the Mediterranean, where mixed fisheries constituted the rule and where fisheries were shared with third countries. Most delegations acknowledged the need to reconcile the targets for the various stocks in a pragmatic way, based on specific scientific advice.

- **Overfishing**: to avoid more vulnerable stocks being overfished, delegations requested the introduction of technical measures (gear selectivity, closed areas or seasons) within the multiannual plans implementing the MSY objective. Some delegations underlined that the scientific methods for managing mixed stocks were in an infant state and that therefore a flexible framework was needed. Others pointed out that the interaction of stocks also played a role, and that an under-fished stock could present a problem with regard to other stocks on which it fed.

- **Environment**: while Member States broadly considered that EU environmental requirements should be incorporated in the CFP, some delegations pointed out that socio-economic factors should balance environmental requirements. Relevant elements of the marine strategy framework directive and Natura 2000 directive should be taken into account in the CFP if the provisions were made consistent.

The EMFF could be a tool for better integrating the environmental requirements. In some cases, the regional level could play an important role in this matter, with the Commission being responsible for disseminating good practice.

Timetable:

- In July 2011, the Council held an initial public exchange of views on Commission proposals for the reform of the CFP.
- The Council held policy debates in March 2012 on the three main proposals for regulations in the CFP reform "package". The debate on the proposal for a regulation on the CFP focussed on the issue of a discard ban.
- At the last Council meeting in April 2012, the policy debates covered regionalisation and transferable fishing concessions (TFCs), two specific issues raised in the basic provisions of the CFP.

A final debate on the "general approach" to reform of the CFP will be organised by the Presidency in June 2012.

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2026/2843(DEA) - 12/06/2012

The Council reached an agreement on a **general approach** on two of the three regulation proposals of the common fisheries policy (CFP) reform "package":

- this proposal for a regulation on the CFP replacing the basic provisions of the CFP;
- [proposal for a regulation](#) on the common organisation of the markets (CMO) in fishery and aquaculture products, focussing on market policy issues.

In addition, the Council took note of the Presidency's progress report on a proposal for a regulation on the [European Maritime and Fisheries Fund](#) (EMFF) replacing the existing European Fisheries Fund.

This general approach represents the Council's direction towards first reading pending the first reading position of the European Parliament.

With regard to the basic regulation on the CFP, the compromise supported by a large majority of delegations, but not by all of them, developed concrete text amendments for several outstanding issues.

Maximum sustainable yields (MSY): the compromise aims to achieve MSY by 2015 where possible (e.g when scientific advice on the stocks are available at the necessary detail) and by 2020 at the latest. Consultation with the third countries concerned will be initiated in case where the stocks are shared, with a view to finding an agreement on MSY exploitation if possible.

Multiannual plans: the compromise establishes that multiannual plans should manage fisheries in more detail through quantifiable targets linked to biological parameters as well as safeguard and remedies. It applies the MSY to the significant stocks in mixed fisheries while specific measures apply to other stocks with an approach taking into account interactions between stocks.

Landing obligation and discards ban: a gradual approach of the policy is proposed but the aim is still the elimination of discards. With regard to the landing obligation in identified fisheries a specification through multiannual plans within a fixed timeframe is laid down.

Regionalisation: this concept is supported by a vast majority of member states as it accepts that one size does not fit all. The compromise also introduces an alternative model for regionalisation where member states adopt national measures through regional cooperation.

Advisory councils: the compromise envisages the creation of additional advisory councils namely one for the Black Sea and one for outermost regions of the EU.

Transferable fishing concessions (TFCs) and capacity management: as requested by many delegations, the agreement stipulates that TFC systems should be voluntary.

Exemptions to fleet management rules is possible where TFCs are established, and access to funds from the EMFF is strictly conditioned by follow-up on a reinforced reporting on capacity management.

The **following topics** have to be further scrutinised after the general approach, namely: (i) recitals and definitions; (ii) the choice and formulation of Commission powers to adopt delegated acts or implementing acts (alignment of the text on the Lisbon Treaty).

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2026/2843(DEA) - 19/07/2011

The Council held a public **exchange of views** on Commission proposals for the reform of the common fisheries policy (CFP).

The Member States welcomed the general approach proposed by the Commission in the "package" for the reform of the CFP. However, while praising the proposed objective of **maximum sustainable yield (MSY)**, several Member States stressed the difficulty of reaching the objective by 2015 and would prefer a more gradual approach. While the proposal to introduce a system of transferable fishing concessions was generally considered a good basis for further discussion, many Member States insisted that this system should be managed at national level, with sufficient safeguards and flexibility.

As regards the **ban on discards**, most Member States agreed with the objective of promoting sustainable fishing, but some noted that the deadline proposed in the package could be too tight to implement efficient measures.

The **concept of regionalisation** was positively received in general, although its details will have to be analysed further.

The vast majority of delegations acknowledged the importance given to **aquaculture** in this "package".

Several Member States noted also that EU's **external fishery policy** had been given a specific place in the proposals.

Many delegations felt it necessary to provide for special treatment for **small scale coastal fleet segments**.

Many delegations regretted that the **financial framework for the future CFP** had not been presented with the package. This framework will be presented later by the Commission.

It should be recalled that the Commission presented the "package" consisting of the following proposals and communications:

Proposal for a regulation on the CFP replacing the basic provisions of the CFP;

[Proposal for a regulation](#) on the common organisation of the markets in fishery and aquaculture products, focussing on market policy issues;

[Communication from the Commission](#) on the external dimension of the CFP;

[Report from the Commission](#) on reporting obligations under regulation 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the CFP;

[Communication from the Commission](#) on the reform of the CFP, explaining the organisation of the "package".

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2026/2843(DEA) - 26/02/2013

The Council adopted a **second general approach** on the proposal for a Regulation on the common fisheries policy (CFP) replacing the basic provisions of the CFP as part of the CFP reform package:

This political agreement on the CFP basic provisions is a completion of the first partial general approach agreed by the Council in June 2012. It specifies the Council position on **the implementation of the discards ban and the possibility of by-catch quotas**.

Its main aspects are as follows:

Dates for implementing the discard ban have been set:

- from 1 January 2014 for pelagic fish;
- from 1 January 2015 for species defining the fisheries in the Baltic (and until 2018 for other species);
- from 1 January 2016 for species defining the fisheries in the North Sea, the North Western waters and the South Western waters (and until 2019 for other species);
- from 1 January 2017 for species defining the fisheries in the Mediterranean, in the Black Sea and in all EU waters and non-EU waters (and until 2019 for other species).

Management tools: management tools have been introduced to help the fishing industry to adapt to the obligation to land all catches. The level proposed for *de minimis* exemptions through management plans should reach **7%** in the final phase with a degressive rate (9% the first two years; 8% the two following years). These exemptions apply under strict conditions, in particular that all such catches should be fully recorded.

Use of catches for charitable purposes: a possibility also has been introduced of using for charitable purposes catches of at least the minimum conservation size landed in the framework of the discard ban.

Environmental obligations: the discussions also addressed definitions and responsibilities for implementing environmental obligations that impact on fishing activities.

The European Parliament voted on its position at first reading for this proposal on 6 February 2013. On the basis of the general approach reached in the Council, the discussions between Parliament and the Council will begin shortly.

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2026/2843(DEA) - 22/04/2013

The Council held a public **debate on the outcome of the first trilogue discussions** with the European Parliament and the Commission on two proposals within the [reform of the common fisheries policy \(CFP\)](#) and the outstanding issues concerning the reform of the basic regulation of the CFP.

As regards the **basic regulation**, the Council agreed on a general approach on 26 February 2013. The European Parliament adopted its position at first reading on this proposed regulation on 6 February 2013.

In the context of the positions of the Parliament and the Council, Member States gave their views on the scope for flexibility on the following key issues:

- **Regionalisation:** many Member States said that the reform being discussed now should not envisage a renationalisation of the CFP.
- **Maximum sustainable yield (MSY):** several countries noted also that the Council general approach reached in February proposed solutions to balance sustainability of the fisheries and applicability by the fishermen in particular with regard to MSY and the discards ban.
- **Capacity management and related measures or sanctions:** some delegations said that taking into account too many parameters for the definition of the capacity fleet could limit the efficiency of the measures and the possibilities of control.
- **Multi-annual plans:** Member States also supported the Presidency in its view that the Council should work to deliver both a reformed CFP and make progress where possible on multi-annual plans. On this issue relating to inter-institutional responsibilities, they urged a legally neutral approach that respected the positions of both the Parliament and the Council.

The Presidency intends to present Coreper with an adjustment of the negotiating mandate, at the next Council meeting in May 2013 with a view to reaching a political agreement.