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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the Common Fisheries Policy**

{SEC(2011) 891 final}  
{SEC(2011) 892 final}

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE PROPOSAL**

#### **• General context**

In 2009 the Commission analysed the functioning of the Common Fisheries Policy (CFP) based on the Green Paper on the Reform of the Common Fisheries Policy<sup>1</sup>. The Commission concluded that despite progress since the 2002 reform, the objectives to achieve sustainable fisheries in all its dimensions (environmental, economic and social) have not been met and the Green Paper identified a series of structural shortcomings of the current CFP. The European Parliament and the Council of Ministers supported this conclusion.

Numerous contributions during the public debate between April 2009 and November 2010, as well as specific studies and evaluations, have also confirmed the overall assessment in the Green Paper and have helped to identify the weaknesses to be addressed through the reform.

#### **• Grounds for and objectives of the proposal**

The Common Fisheries Policy needs a fundamental reform by repealing the current Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, and replacing it on 1 January 2013 by a new CFP adopted by the European Parliament and the Council on the basis of this proposal.

The main problems of the CFP are:

- Lack of focus in the objectives on environmental, economic and social sustainability.
- Unacceptably high levels of discards.
- Fleet overcapacity, overfishing, total allowable catches (TACs) that are set too high, and low compliance have resulted in a large majority of Union stocks being overexploited.
- Low profitability and low economic resilience for a significant number of fleets.
- Insufficient integration of environmental concerns into the policy.
- Lack of reliable data to assess all stocks and fleets.
- Substantial public financial support to fisheries that does not contribute to achieving the objectives of the CFP.
- Low attractiveness of the fishing activities and decline of some coastal communities dependent on fishing.
- Top-down micro-management at Union level, lacking flexibility and adaptation to local and regional conditions.

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<sup>1</sup> COM(2009)163 final of 22 April 2009

- Insufficient development of aquaculture in the Union.
- Legislation and management are costly and extremely complex, which fosters lack of compliance.
- Trade policy facing the challenge of globalisation and increased interdependence.

This proposal for a new basic regulation is justified because there is a need:

- to precise the objectives of the CFP.
- to enhance consistency between the policy initiatives covered by the CFP.
- to better preserve marine biological resources, in particular for multi-annual plans for fisheries management, and to end discards.
- to contribute to ecosystem and environmental policies under the CFP.
- to provide for regionalisation of measures on a sea-basin approach under the conservation pillar.
- to reinforce data collection and scientific advice for the knowledge base of the conservation policy.
- to fully integrate the external policy into the CFP.
- to promote the development of aquaculture.
- to reform the common market policy of the CFP.
- to provide a legal framework for a new financial instrument by 2014 supporting the objectives of the CFP and the EU 2020 Agenda.
- to further enhance and streamline stakeholders' involvement.
- to incorporate the recently adopted new control regime in the CFP.

The overall objective of the proposal is to ensure fishing and aquaculture activities that provide long-term sustainable environmental conditions and contribute to the availability of food supplies. The policy shall be aimed at exploitation of living marine biological resources that restores and maintains fish resources at levels which can produce the maximum sustainable yield, not later than 2015. The CFP shall implement the precautionary and ecosystem approaches to fisheries management.

In conjunction with this proposal the Commission will adopt an overarching Communication on the future Common Fisheries Policy, a proposal for a Regulation on the common organisation of the markets in fisheries and aquaculture products, a Communication on the external dimension of the CFP, and a report on specific parts of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

- **Existing provisions in the area of the proposal**

Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy is the current general regulatory framework for the CFP. This proposal should replace that Regulation.

Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms<sup>2</sup>.

Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organization of the markets in fishery and aquaculture products<sup>3</sup>.

Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98<sup>4</sup>.

Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund<sup>5</sup>.

Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94<sup>6</sup>.

Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy<sup>7</sup>.

Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999<sup>8</sup>.

Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006<sup>9</sup>.

Council Decision (EC) No 2004/585 of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy<sup>10</sup>.

- **Consistency with the other policies and objectives of the Union**

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<sup>2</sup> OJ L 125, 27.4.1998, p. 1.

<sup>3</sup> OJ L 17, 21.1.2000, p. 22

<sup>4</sup> OJ L 349, 31.12.2005, p. 1.

<sup>5</sup> OJ L 223, 15.8.2006, p. 1.

<sup>6</sup> OJ L 409, 30.12.2006, p. 11.

<sup>7</sup> OJ L 60, 5.3.2008, p. 1.

<sup>8</sup> OJ L 286, 29.10.2008, p. 1.

<sup>9</sup> OJ L 343, 22.12.2009, p. 1.

<sup>10</sup> OJ L 256, 3.8.2004, p. 17.

The proposal and its objectives are consistent with other Union policies, in particular environmental, social, regional, development, agriculture, market and trade, financial, research and innovation, health and consumer protection policies and their objectives.

## **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

- **Consultation of interested parties**

### *Consultation methods, main sectors targeted and general profile of respondents*

Throughout 2009 and 2010 consultation on the reform through internet contributions and numerous discussion meetings with stakeholders revealed generalized support for the reform. The European Parliament, the European Economic and Social Committee and the Committee of the Regions also submitted opinions on the Green Paper. The Council of Ministers discussed the reform several times. The public consultation was summarized in a *Synthesis of the Consultation on the Reform of the Common Fisheries Policy*<sup>11</sup>.

### *Summary of responses and how they have been taken into account*

Simplification, adaptation of decision making to the Lisbon Treaty, strengthening the long-term approach to conservation and resource management including tackling the discards problem, regionalization, further stakeholder involvement and more industry responsibility were at the centre of reactions. Relative stability is generally seen as a central pillar of the CFP, especially by Member States. Small-scale and coastal fisheries are considered important but limited support was shown for the idea of a differentiated regime beyond current legal provisions. More market-based approaches in fleet management and the market policy were seen by many as useful drivers for sustainability. On the external policy and international actions the need for full alignment with the principles and objectives of the CFP was recognized. Strong support was shown for stricter targeting of the public funding to the policy objectives. Aquaculture was considered important in many contributions.

The Commission, in developing its proposal, has taken due account of the contributions in the consultation, notably on creating the environmental conditions for sustainability and consolidation of the maximum sustainable yield objective, a strengthened long-term perspective, regionalization and further stakeholder involvement, and introduction of more market-based instruments while taking into consideration the specific characteristics of small-scale fleets. The importance of aquaculture is also reflected in the proposal.

- **Collection and use of expertise**

For the development of the proposals outside expertise as well as existing knowledge on the policy, among them (annual) advice by ICES and STECF was utilized in addition to a series of studies and research projects. Publicly available expert advice and studies are published on the DG MARE website.

- **Impact assessment**

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<sup>11</sup> SEC(2010)428 final of 16 April 2010

For the Impact Assessment exercise different options for the CFP reform package were identified. All options include environmental sustainability as a precondition for overall sustainability. Methodologically the analysis of impacts was supported by performance indicators to measure the impacts of the options. The impacts of all options were analysed and compared to an analysis of the so-called *status quo* option. This allowed for identification of the two preferred options as indicated in the IA report. Both options are similar in focusing on the environmental sustainability while creating sufficient flexibility to give the fishing sector time to adapt to ambitious environmental objectives.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

#### **Subsidiarity principle**

Provisions in the proposal relating to the conservation of marine biological resources fall under the exclusive competence of the Union, and the subsidiarity principle therefore does not apply for those provisions.

Provisions in the proposal relating to aquaculture and the need for the establishment of Union strategic guidelines on common priorities and targets for the development of aquaculture activities fall under shared competence between the Union and Member States. Non-binding Union strategic guidelines will form the basis for multiannual national strategic plans, taking into account that strategic choices made at national level can have a bearing on the development of aquaculture activities in neighbouring Member States. Provisions in the proposal relating to the Common Market Organization fall under the shared competence between the Union and the Member States. The objectives for the common market organization include increased competitiveness of the Union fishery and aquaculture industry, improvement of the transparency of the markets and the contribution to ensuring a level playing field for all products marketed in the Union. To achieve these objectives the measures, which comprise the organization of the industry including measures for stabilisation of the markets and marketing standards, and consumer information requirements, need to be consistent throughout the Union. The subsidiarity principle therefore is respected by the proposal.

#### **Proportionality principle**

The proposal complies with the principle of proportionality for the following reason:

The Common Fisheries Policy is a common policy and should therefore be implemented through a Regulation adopted by the European Parliament and the Council.

It is necessary and appropriate for the achievement of the basic objective of ensuring fishing and aquaculture industries that provide long-term sustainable economic, environmental and social conditions and contribute to the availability of food supplies, to lay down rules on the conservation and exploitation of marine biological resources. This Regulation does not go beyond what is necessary to achieve that objective.

Through the proposed regionalised approach Member States will be empowered to adopt the

conservation and technical measures necessary to achieve the objectives and targets set out in Regulations adopted by the Union legislator, based on the available toolbox of measures under the conservation policy of the CFP. This will create regional flexibility in the application of Union legislation.

Member States furthermore remain free to allocate fishing opportunities allocated by the Council among regions or operators as they see fit, so Member States have ample room for manoeuvre on decisions related to the social/economic model of their choice to exploit their allocated fishing opportunities.

#### **4. OPTIONAL ELEMENTS**

- **Detailed explanation of the proposal**

The Commission introduces in the proposal significant changes to the CFP. In this section the proposal is explained in detail.

##### **General Provisions**

The overall objective of the CFP is to ensure that fishing and aquaculture activities provide long-term sustainable environmental conditions, which are a prerequisite to reach an economically and socially sustainable fishing industry that contributes to the availability of food. The impact assessment demonstrates that ambitious targets for the resources meeting the Union's international obligation of achieving maximum sustainable yield by 2015 can deliver important overall stock improvement leading to significant economic and social improvements. These positive outcomes from the impact assessment underline the premise of ecological sustainability as a requirement for long-term economic and social sustainability.

Decreasing unwanted catches, ending discarding and minimizing the negative impact on the marine eco-systems combined with the precautionary and eco-system approach will contribute to the good environmental status of the seas under the Marine Strategy Framework Directive.

##### **Access to waters**

The proposal confirms the principle of equal access to waters, while treating third-country vessels with access to Union waters equally.

The Commission proposes to extend the current restrictions on the right to fish within the 12-nautical miles until 2022. These restrictions have reduced fishing pressure in the most biologically sensitive areas and have contributed to economic stability for small-scale, coastal fishing activities.

The Commission proposes to introduce into this regulation the specific restrictions for the 100 nautical miles around the Azores, Madeira and the Canary Islands, which are currently laid down in Council Regulation (EC) No 1954/2003<sup>12</sup>. They are justified to protect the sensitive

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<sup>12</sup> Council Regulation (EC) No 1954/2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulation (EC) No 635/95 and (EC) No 2027/95

biological situation of the waters surrounding these islands and in light of article 349 of the Treaty, by taking account of the structural, social and economic situation and the need to preserve the local economy of these islands.

### **Conservation of marine biological resources**

Conservation of marine biological resources is the fundamental pillar to achieve the objectives of the CFP.

Multi-annual management plans to manage resources at levels that are capable of producing maximum sustainable yield are key to conservation. They need to move where possible to fisheries-based plans – covering more stocks in fewer plans. Stocks not under plans are managed through fixing fishing opportunities by Council and other measures.

A second core element of the conservation proposal is ending the practice of discards and reducing unwanted catches. The proposal introduces the obligation to land all catches of specified stocks, with a precise timeline for implementation and in combination with some flanking measures.

The proposal also covers the main principles for technical conservation measures applicable to fisheries.

For the multi-annual plans and the technical conservation measures the Commission envisages a move away from micro-management by the co-legislators. The Union legislation on these plans and measures needs to define the essentials, such as the scope, targets, evaluation indicators and time frames. The Commission proposes decentralization that may authorize Member States to adopt the conservation and technical measures necessary to achieve the objectives and targets using a toolbox of measures under the conservation policy. This will create regional flexibility and simplification of the policy. The proposal includes provisions to ensure that the Member States concerned adopt measures are compatible and effective. A fall-back mechanism is established for Commission action in cases where Member States cannot agree, or where the targets are not being reached.

The provisions for emergency measures when conservation of the marine biological resources is threatened, either at the request of a Member State or at the initiative of the Commission, are maintained and a new provision is introduced for fisheries measures in the context of Union environmental law obligations. The existing authorization to Member States to take conservation measures within the 12 nautical mile zone and measures applicable solely to fishing vessels flying their flag are maintained in the proposal.

### **Access to resources**

The introduction of a system of transferable fishing concessions will constitute a major driver for fleet capacity adjustment. The impact assessment has shown clear positive and significant contributions from such a system of transferable fishing concessions to eliminate overcapacity and to improve economic results of the fishing industry.

The proposal introduces a mandatory system of transferable fishing concessions (on fishing opportunities for regulated stocks) as from 2014 for all vessels with the exception of vessels under 12 meters with passive gear. In recognition of the specific characteristics and socio-economic vulnerability of some small-scale fleets, the choice on introduction of transferable fishing concessions for the remaining vessels will be left to Member States. Member States



may regulate transferable fishing concessions to ensure a close link between them and the fishing communities (for example, by limiting the transferability within fleet segments) and to prevent speculation. To respect and maintain relative stability transferability of these concessions may be limited to vessels flying the same flag. Member States may create a reserve and introduce a fee for the concessions, which under normal conditions may be recalled by the Member States only after expiration of their validity or invocation of an early warning.

### **Management of fishing capacity**

The general obligation for Member States to adjust the fleet capacity to the fishing opportunities is maintained. A basic fleet management policy remains necessary with overall fishing capacity ceilings per Member State established by the Commission. Transferable fishing concessions will accelerate fleet capacity reduction, and this justifies that Member States should be allowed to exclude vessels with such concessions from the capacity ceilings. For the period when decommissioning of vessels with public aid remains possible under the European Fisheries Fund, the provisions on fleet capacity reductions have to remain in place. The Member State and Commission fleet registers will ensure informed monitoring and management of the fleets.

### **Science base for fisheries management**

Reliable and complete data, both for scientific advice and for implementation and control purposes are central to well-functioning fisheries management. The proposal establishes the basic rules and obligations for Member States on data collection, management, data availability and access provisions for the Commission. The need for coordination of data collection between Member States in a decentralized context is a key reason for the Commission to introduce a regional coordination obligation on data collection.

To improve the quality, coherence and synergy of efforts in the field of policy-oriented science, the proposal also introduces provisions for Member States to adopt national fisheries data collection and scientific and innovation programs and to coordinate between themselves, in particular with a view to the Union research and innovation framework.

### **External policy**

The external policy is integrated into the CFP to ensure alignment of its objectives with the overall principles and objectives of the CFP. The Union shall actively participate in the works of Regional Fisheries Management Organizations (RFMOs), as well as international multilateral bodies (UN, FAO) in order to strengthen them and enhance their performance in the management and conservation of international fish stocks. The Union shall advocate best available science-based positions, contribution to development of scientific knowledge, and cooperation to strengthen compliance in the international context.

Relations with third countries through Sustainable Fisheries Agreements (SFAs) are another means to promote internationally the CFP principles and objectives. SFAs shall contribute to the establishment of a high quality governance framework in the partner country, be coherent with development policy objectives, and focusing on a sustainable and transparent management of resources, monitoring, surveillance and control. They shall ensure that the exploitation of fishery resources takes place on the basis of sound scientific advice only targeting surplus resources that the partner country cannot or does not want to fish itself.

Under SFAs, partner countries shall be compensated for granting access to their fishing resources and financial assistance shall be provided to the partner countries for the implementation of their own sustainable fisheries policy.

## **Aquaculture**

The CFP should support the environmentally, economically and socially sustainable development of the aquaculture industry. Aquaculture contributes to food security and growth and jobs in coastal and rural regions. Serious progress can be achieved when Member States develop on the basis of Union strategic guidelines national strategic plans to facilitate the sustainable development of aquaculture in relation to the business security, access to waters and space, and administrative simplification of licensing. There is a clear Union dimension in aquaculture development: strategic choices made at national level can have a bearing on such development in neighbouring Member States. It is essential that Member States have an opportunity to know what other Member States are planning for future aquaculture development.

The Commission considers that the specific nature of aquaculture requires a focalized stakeholder consultation body, and proposes to this effect the creation of an Advisory Council for Aquaculture.

## **Common Market Organization**

The organization of the common markets needs to contribute to the achievement of the objectives of the CFP, to enable the industry to apply the CFP at the appropriate level, and to strengthen competitiveness, particularly of producers.

## **Control and Enforcement**

Consistent with the new control regime as adopted with Council Regulations No 1005/2008 and No 1224/2009<sup>13</sup> the proposal integrates the basic elements for the Union control and enforcement regime for compliance with the rules of the CFP. In light of the introduction in the part on conservation of the landing obligation to avoid discards the Commission proposes monitoring and control obligations in particular in relation to fully documented fishery, as well as pilot projects on new fisheries control technologies that contribute to sustainable fishing.

## **Financial Instruments**

To increase compliance the proposal introduces conditions for Union financial assistance that may be granted to contribute to the achievement of the CFP objectives. Financial assistance will become conditional upon compliance with the rules, and this principle will apply to both Member States and operators. For Member States non-compliance may result in interruption, suspension or financial correction to the Union financial assistance. For operators serious

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<sup>13</sup> Council Regulations (EC) No 1005/2008 on establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, and Council Regulation (EC) 1224/2009 on establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

infringements may lead to banning of access to financial assistance or financial reductions. In addition, the proposal introduces the obligation for Member States, when granting financial assistance, to take into account the behaviour (in particular the absence of serious infringements) of operators in the recent past.

### **Advisory Councils**

The Commission proposes to consolidate and where possible to extend the experience with the Regional Advisory Councils under the CFP. Since some of them have no regional character or limitation, the seven existing councils need to be renamed into Advisory Councils, together with the creation of the Advisory Council for Aquaculture. Considering the specificities of the Black Sea, an enclosed sea basin shared with four states that are not members of the Union, and taking into account the ongoing discussions with all non EU Black Sea countries in order to advise on conservation policy and to boost co-operation between Romania, Bulgaria and their sea-basin neighbours, the Commission intends to establish an Advisory Council for the Black Sea by 2015.

### **Final Provisions**

The final part establishes the areas for delegation of powers to the Commission, its exercise, revocation and objections, as well as the establishment of a Committee for Fisheries and Aquaculture in relation with implementing acts. It also proposes to repeal and/or amend relevant existing legislation.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on the Common Fisheries Policy**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission<sup>14</sup>,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European and Social Committee<sup>15</sup>,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 2371/2002<sup>16</sup> established a Community system for the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.
- (2) The scope of the Common Fisheries Policy extends to conservation, management and exploitation of marine biological resources. In addition, the Common Fisheries Policy's scope extends in relation to market measures and financial measures in support of its objectives, to fresh water biological resources and aquaculture, as well as to the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, or in Union waters, including by fishing vessels flying the flag of, and registered in, third countries, or by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea.
- (3) The Common Fisheries Policy should ensure that fishing and aquaculture activities contribute to long-term sustainable environmental, economic, and social conditions. It

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<sup>14</sup> OJ

<sup>15</sup> OJ

<sup>16</sup> OJ L 358, 31.12.2002, p. 59

should contribute moreover to increased productivity, a fair standard of living for the fisheries sector, stable markets, ensure the availability of resources and that supplies reach consumers at reasonable prices.

- (4) The Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS)<sup>17</sup> and it has ratified the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 (UN Fish Stocks Agreement)<sup>18</sup>. It has also accepted the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 of the Food and Agriculture Organisation of the United Nations (FAO Compliance Agreement)<sup>19</sup>. These international instruments predominantly foresee conservation obligations, including among other things obligations to take conservation and management measures designed to maintain or restore marine resources at levels which can produce the maximum sustainable yield both within sea areas under national jurisdiction and on the high seas, and to cooperate with other States to this end, obligations to apply the precautionary approach widely to conservation, management and exploitation of fish stocks, obligations to ensure compatibility of conservation and management measures where marine resources occur in sea areas of different jurisdictional status and obligations to have due regard to other legitimate uses of the seas. The Common Fisheries Policy should contribute to the Union's proper discharge of its international obligations under these international instruments. Where Member States adopt conservation and management measures, for which they have been empowered in the framework of the Common Fisheries Policy, they should also act in a manner which is fully consistent with the international conservation and cooperation obligations under the said international instruments.
- (5) At the World Summit on Sustainable Development at Johannesburg in 2002, the Union and its Member States committed to act against the continued decline of many fish stocks. Therefore, the Union should improve its Common Fisheries Policy to ensure that as a matter of priority exploitation levels of marine biological resources stocks are restored and maintained at levels capable of producing maximum sustainable yields from the populations of harvested stocks by 2015. Where less scientific information is available, this may require applying proxies to maximum sustainable yield.
- (6) Fisheries targets were laid down in the Decision by the Conference of the Parties to the Convention on Biological Diversity on the Strategic Plan for Biodiversity 2011 – 2020<sup>20</sup>, the Common Fisheries Policy should ensure coherence with the biodiversity targets adopted by the European Council<sup>21</sup>, and the targets of Commission

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<sup>17</sup> OJ L 179, 23.06.1998, p. 1

<sup>18</sup> OJ L 189, 3.7.1998, p. 14

<sup>19</sup> OJ L 177, 16.7.1996, p. 24

<sup>20</sup> COP Decision X/2

<sup>21</sup> EU CO 7/10 of 26 March 2010.

Communication "Our life insurance, our natural capital: an EU Biodiversity Strategy to 2020"<sup>22</sup>, in particular to achieve maximum sustainable yield by 2015.

- (7) Sustainable exploitation of marine biological resources should be based on the precautionary approach, which is to be derived from the precautionary principle referred to in the first subparagraph of Article 191(2) of the Treaty.
- (8) The Common Fisheries Policy should contribute to the protection of the marine environment and in particular to the achievement of good environmental status by 2020 the latest as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>23</sup>.
- (9) An ecosystem based approach to fisheries management needs to be implemented, environmental impacts of fishing activities should be limited and unwanted catches should be minimised and progressively eliminated.
- (10) It is important that the management of the Common Fisheries Policy is guided by principles of good governance. Those principles include decision-making based on best available scientific advice, broad stakeholder involvement and a long-term perspective. The successful management of the Common Fisheries Policy also depends on a clear definition of responsibilities at Union, national, regional and local levels and on the mutual compatibility and consistency of the measures taken with other Union policies.
- (11) The Common Fisheries Policy should pay full regard, where relevant, to animal health, animal welfare, food and feed safety.
- (12) Implementation of the Common Fisheries Policy should take into account interactions with other maritime affairs as addressed by the Integrated Maritime Policy<sup>24</sup>, recognizing that all matters related to Europe's oceans and seas are interlinked, including maritime spatial planning. Coherence and integration should be ensured in the management of different sectoral policies within the Baltic Sea, North Sea, Celtic Seas, Bay of Biscay and the Iberian Coast, Mediterranean and Black Sea sea basins.
- (13) Union fishing vessels should have equal access to Union waters and resources subject to the rules of the CFP.
- (14) Rules in place restricting access to resources within the 12 nautical mile zones of Member States have operated satisfactorily benefiting conservation by restricting fishing effort in the most sensitive part of Union waters. Those rules have also preserved traditional fishing activities on which the social and economic development of certain coastal communities is highly dependent. Those rules should therefore continue to apply.

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<sup>22</sup> COM(2011)244

<sup>23</sup> OJ L 164, 25.6.2008, p. 19.

<sup>24</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an Integrated Maritime Policy for the European Union, COM(2007)575final.

- (15) Marine biological resources around the Azores, Madeira and the Canary Islands should continue to be especially protected since they contribute to the preservation of the local economy of these islands, having regard to the structural, social and economic situation of those islands. The limitation of certain fishing activities in those waters to fishing vessels registered in the ports of the Azores, Madeira and the Canary Islands should therefore be maintained.
- (16) The objective of sustainable exploitation of marine biological resources is more effectively achieved through a multi-annual approach to fisheries management, establishing as a priority multi-annual plans reflecting the specificities of different fisheries.
- (17) Multi-annual plans should where possible cover multiple stocks where those stocks are jointly exploited. The multiannual plans should establish the basis for fixing fishing opportunities and quantifiable targets for the sustainable exploitation of stocks and marine ecosystems concerned, defining clear timeframes and safeguard mechanisms for unforeseen developments.
- (18) Measures are needed to reduce and eliminate the current high levels of unwanted catches and discards. Indeed, unwanted catches and discards constitute a substantial waste and affect negatively the sustainable exploitation of marine biological resources and marine ecosystems as well as the financial viability of fisheries. An obligation to land all catches of managed stocks caught during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented.
- (19) Landings of unwanted catches should not result in full economic advantages for the operator. For landings of catches of fish under the minimum conservation reference size, the destination of such catches should be limited and exclude sale for human consumption.
- (20) For the sake of conservation of stocks clear objectives should be applied with respect to certain technical measures.
- (21) For stocks for which no multi-annual plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch and/or fishing effort limits.
- (22) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing activities, it is necessary to ensure the relative stability of fishing activities by allocating fishing opportunities among Member States, based on a predictable share of stocks for each Member State.
- (23) Such relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard the particular needs of regions where local communities are especially dependent on fisheries and related activities as decided by the Council in its Resolution of 3 November 1976, on certain external aspects of the creation of a 200-mile fishing zone in the Community<sup>25</sup> with effect from 1 January 1977, and in particular Annex VII thereto. Therefore, it is in this sense that the concept of relative stability aimed at should be understood.

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<sup>25</sup> OJ C 105, 7.5.1981, p.1.

- (24) Member States should be in a position to present substantiated requests to the Commission to draw up measures under the Common Fisheries Policy for measures identified by Member States as necessary to comply with obligations as regards Special Protection Areas pursuant to Article 4 of Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds<sup>26</sup>, Special Areas of Conservation pursuant to Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora<sup>27</sup> and marine protected areas pursuant to Article 13(4) of Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)<sup>28</sup>.
- (25) The Commission should be able to adopt temporary measures in the event of a serious threat, requiring immediate action, to the conservation of marine biological resources or to the marine ecosystem resulting from fishing activities.
- (26) Member States should be able to adopt conservation measures and technical measures for the implementation of the Common Fisheries Policy to allow for the policy to better address the realities and specificities of individual fisheries and to increase the adherence to the policy.
- (27) In their 12 nautical mile zone, Member States should be allowed to adopt conservation and management measures applicable to all Union fishing vessels, provided that, where such measures apply to Union fishing vessels from other Member States, the measures adopted are non-discriminatory, prior consultation of other interested Member States has taken place and that the Union has not adopted measures specifically addressing conservation and management within that 12 nautical mile zone.
- (28) Member States should be allowed to adopt conservation and management measures for stocks in Union waters applicable solely to Union fishing vessels flying their flag.
- (29) A system of transferable fishing concessions for the majority of managed stocks under the Common Fisheries Policy should be implemented no later than 31 December 2013 for all vessels of 12 meters' length or over and all other vessels fishing with towed gears. Member States may exclude vessels up to 12 meters' length other than vessels using towed gear from transferable fishing concessions. Such a system should contribute to industry-induced fleet reductions and improved economic performance while at the same time creating legally secure and exclusive transferable fishing concession of a Member State's annual fishing opportunities. Since marine biological resources are a common good, transferable fishing concessions should only establish user entitlements to a Member State's part of annual fishing opportunities which may be recalled according to established rules.
- (30) Fishing concessions should be transferable and leasable in order to decentralise management of fishing opportunities towards the fishing industry and ensuring that fishers leaving the industry will not need to rely on public financial assistance under the Common Fisheries Policy.

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<sup>26</sup> OJ L 103, 25.04.1979, p. 1.

<sup>27</sup> OJ L 206, 22.07.1992, p. 7.

<sup>28</sup> OJ L 164, 25.06.2008, p. 19



- (31) Specific characteristics and socio-economic vulnerability of some small-scale fleets justify the limitation of the mandatory system of transferable fishing concessions to large vessels. The system of transferable fishing concessions should apply to stocks for which fishing opportunities are allocated.
- (32) For Union fishing vessels not operating under a system of transferable fishing concessions, specific measures may be taken to align the number of Union fishing vessels with available resources. Such measures should set compulsory maximum fleet capacity ceilings and establish national entry/exit schemes in relation to decommissioning funding granted under the European Fisheries Fund.
- (33) Member States should record the minimum information on characteristics and activities of Union fishing vessels flying their flag. Those records should be made available to the Commission for the purpose of monitoring the size of Member States' fleets.
- (34) Fisheries management based on the best available scientific advice requires harmonised, reliable and accurate data sets. Therefore Member states should collect data on fleets and their fishing activities, in particular biological data on catches, including discards, survey information on fish stocks and on the potential environmental impact of fishing activities on the marine ecosystem.
- (35) Data collection should include data which facilitate the economic assessment of undertakings active in the fisheries sector, in aquaculture and in the processing of fisheries and aquaculture products and of employment trends in these industries.
- (36) Member States should manage and make available to end-users of scientific-data the collected data, on the basis of a multi-annual Union program. Member States should also cooperate with each other to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries within the same sea basin regarding data collection.
- (37) Policy-oriented fisheries science should be reinforced by means of nationally-adopted fisheries scientific data collection, research and innovation programs in coordination with other Member States as well as by Union research and innovation framework tools.
- (38) The Union should promote the objectives of the Common Fisheries Policy internationally. To this end, the Union should strive to improve the performance of regional and international organisations in conservation and management of international fish stocks, by promoting decision-making based on science and improved compliance, increased transparency and stakeholder participation, and by combating illegal, unreported and unregulated (IUU) fishing activities.
- (39) Sustainable fisheries agreements concluded with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice, ensuring a sustainable exploitation of the marine biological resources. Those agreements, which provide for access rights in exchange for a financial contribution from the Union, should contribute to the establishment of a high quality governance framework to ensure in particular efficient monitoring, control and surveillance measures.

- (40) The introduction of a human rights clause in sustainable fisheries agreements should be fully consistent with the overall Union development policy objectives.
- (41) Respect for democratic principles and human rights, as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, and for the principle of the rule of law, should constitute an essential element of Sustainable Fisheries Agreements and be subject to a specific human rights clause.
- (42) Aquaculture should contribute to the preservation of the food production potential on a sustainable basis throughout the Union so as to guarantee long-term food security for European citizens and to contribute to the growing world aquatic food demand.
- (43) The Commission's Strategy for the Sustainable Development of European Aquaculture<sup>29</sup> adopted in 2009, which was welcomed and endorsed by the Council and welcomed by the European Parliament, noted the need for the creation and promotion of a level-playing field for aquaculture as the basis for its sustainable development.
- (44) The Common Fisheries Policy should contribute to Europe 2020 Strategy for smart, sustainable and inclusive growth, and help achieve the objectives set out in that strategy<sup>30</sup>.
- (45) Aquaculture activities in the Union are influenced by different conditions across national borders, including as regards authorisations for the operators, Union strategic guidelines for national strategic plans should be developed to improve the competitiveness of the aquaculture industry, supporting its development and innovation, and encouraging economic activity, diversification and improving the quality of life in coastal and rural areas, as well as mechanisms to exchange among Member States information and best practices through an open method of coordination of national measures concerning business security, access to Union waters and space, and administrative simplification of licensing.
- (46) The specific nature of aquaculture requires an Advisory Council for stakeholder consultation on elements of Union policies which could affect aquaculture.
- (47) There is a need to strengthen the competitiveness of the Union fishery and aquaculture sector, and a call for simplification in support of better management of production and marketing activities of the sector; the Common Market Organisation for fishery and aquaculture products should ensure a level-playing field for all fishing and aquaculture products marketed in the Union, should enable consumers to make better informed choices and support responsible consumption, and should improve the economic knowledge and understanding of the Union markets along the supply chain.
- (48) The Common Market Organisation should be implemented in compliance with international commitments of the Union, in particular with regard to the provisions of the World Trade Organisation. The success of the common fisheries policy requires an effective system of control, inspection and enforcement, including the fight against IUU fishing activities. A Union system for control, inspection, and enforcement

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<sup>29</sup> COM(2009)162final.

<sup>30</sup> COM(2010) 2020final

should be established so as to ensure compliance with the Common Fisheries Policy's rules.

- (49) The use of modern technologies should be promoted in the framework of the Union system for control, inspection, and enforcement. Member States or the Commission should have the possibility to conduct pilot projects on new control technologies and data management systems.
- (50) To ensure the involvement of concerned operators in the Union system for control, inspection, and enforcement, Member States should be able to require the holders of a fishing licence of Union fishing vessels of 12 meters length over all or more flying their flag to contribute proportionally to the costs of that system.
- (51) The objectives of the Common Fisheries Policy cannot be sufficiently achieved by Member States given the problems encountered in the development of the fishing industry and its management, and the limits on the financial resources of the Member States. Therefore, multiannual Union financial assistance focused on the priorities of the Common Fisheries Policy should be granted to contribute to the achievement of those objectives.
- (52) Union financial assistance should be made conditional upon compliance by Member States and operators with the Common Fisheries Policy. Thus such financial assistance should be interrupted, suspended or corrected in cases of non-compliance with the rules of Common Fisheries Policy by Member States and serious infringements of those rules by operators.
- (53) Dialogue with stakeholders has proven essential for the achievement of the objectives of the Common Fisheries Policy. Taking into account the diverse conditions throughout Union waters and increased regionalisation of the Common Fisheries Policy, Advisory Councils should enable the Common Fisheries Policy to benefit from the knowledge and experience of all stakeholders.
- (54) It appears appropriate that the Commission be empowered by delegated acts to create a new Advisory Council and to modify areas of competence of existing ones, in particular considering the specificities of the Black Sea.
- (55) To achieve the objectives of the Common Fisheries Policy, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of specifying fishing related measures to alleviate the impact of fishing activities in special areas of conservation, adaptation of the obligation to land all catches for the purpose of complying with the Union's international obligations, default conservation measures in the framework of multiannual plans or technical measures, the recalculation of fleet capacity ceilings, definition of information on characteristics and activity for Union fishing vessels, rules for carrying out pilot projects on new control technologies and data management systems, amendments to Annex III in relation to the areas of competence for Advisory Councils and the compositioning and functioning of Advisory Councils.
- (56) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work for the adoption of delegated acts, including at expert level.

- (57) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (58) In order to ensure uniform conditions for the implementation of technical operational requirements for the modalities for transmission of information related to fishing fleet registers and to data requirements for fisheries management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>31</sup>.
- (59) To achieve the basic objective of the Common Fisheries Policy, namely to provide long-term sustainable environmental, economic and social conditions for the fishing and aquaculture sectors, and to contribute to the availability of food supplies, it is necessary and appropriate to lay down rules on the conservation and exploitation of marine biological resources.
- (60) In accordance with the principle of proportionality as set out in Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary to achieve that objective.
- (61) Council Decision No 585/2004/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy<sup>32</sup> should be repealed upon entry in force of the corresponding rules pursuant to this Regulation.
- (62) Regulation (EC) 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support scientific advice regarding the common fisheries policy<sup>33</sup> should be repealed, but should continue to apply to the national programmes adopted for the collection and management of data for the years 2011 – 2013.
- (63) By reason of the number and importance of the amendments to be made, Council Regulation (EC) No 2371/2002 should be repealed,

HAVE ADOPTED THIS REGULATION:

## **PART I**

### **GENERAL PROVISIONS**

#### *Article 1* **Scope**

1. The Common Fisheries Policy shall cover:

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<sup>31</sup> OJ L 55, 28.2.2011, p. 13.

<sup>32</sup> OJ L 256, 3.8.2004, p. 17.

<sup>33</sup> OJ L 60, 53.3.2008, p. 1.

- (a) conservation, management and exploitation of marine biological resources; and
  - (b) fresh water biological resources, aquaculture, and the processing and marketing of fisheries and aquaculture products, in relation to measures on markets and financial measures in support of the Common Fisheries Policy.
- 2. The Common Fisheries Policy shall cover the activities referred to in paragraph 1 where they are carried out:
  - (a) on the territory of Member States; or
  - (b) in Union waters, including by fishing vessels flying the flag of, and registered in, third countries; or
  - (c) by Union fishing vessels outside Union waters; or
  - (d) by nationals of Member States, without prejudice to the primary responsibility of the flag State.

## *Article 2*

### **General Objectives**

- 1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities provide long-term sustainable environmental, economic and social conditions and contribute to the availability of food supplies.
- 2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure, by 2015, that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.
- 3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that the impacts of fishing activities on the marine ecosystem are limited.
- 4. The Common Fisheries Policy shall integrate the Union environmental legislation requirements.

## *Article 3*

### **Specific objectives**

For the purpose of achieving the general objectives set out in Article 2, the Common Fisheries Policy shall in particular:

- (a) eliminate unwanted catches of commercial stocks and gradually ensure that all catches of such stocks are landed;
- (b) provide conditions for efficient fishing activities within an economically viable and competitive fishing industry;

- (c) promote the development of Union aquaculture activities to contribute to food security and employment in coastal and rural areas;
- (d) contribute to a fair standard of living for those who depend on fishing activities;
- (e) take into account the interests of consumers;
- (f) ensure systematic and harmonised data collection and management.

#### *Article 4*

#### **Principles of good governance**

The Common Fisheries Policy shall be guided by the following principles of good governance:

- (a) clear definition of responsibilities at the Union, national, regional and local levels;
- (b) establishment of measures in accordance with the best available scientific advice;
- (c) a long-term perspective;
- (d) broad involvement of stakeholders at all stages from conception to implementation of the measures;
- (e) the primary responsibility of the flag State;
- (f) consistence with the integrated maritime policy, and with other Union policies.

#### *Article 5*

#### **Definitions**

For the purpose of this Regulation the following definitions shall apply:

- 'Union waters' means the waters under the sovereignty or jurisdiction of the Member States with the exception of the waters adjacent to the territories listed in Annex II to the Treaty;
- 'marine biological resources' means available and accessible living marine aquatic species, including anadromous and catadromous species through all stages of their life cycle;
- 'fresh water biological resources' means available and accessible living fresh water aquatic species;
- 'fishing vessel' means any vessel equipped for commercial fishing of marine biological resources;

- 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- 'maximum sustainable yield' means the maximum catch that may be taken from a fish stock indefinitely;
- 'precautionary approach to fisheries management' means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;
- 'ecosystem-based approach to fisheries management' means an approach ensuring that benefits from living aquatic resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are low and not detrimental to the future functioning, diversity and integrity of those ecosystems;
- 'fishing mortality rate' means the catches of a stock over a given period as a proportion of the average stock available to the fishery in that period;
- 'stock' means a marine biological resource with distinctive characteristics that occurs in a given management area;
- 'catch limit' means a quantitative limit on landings of a fish stock or group of fish stocks over a given period;
- 'conservation reference point' means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example with respect to an acceptable level of biological risk or a desired level of yield;
- 'safeguard' means a precautionary measure designed to protect or prevent something undesirable occurring;
- 'technical measures' means the measures that regulate the species composition, size composition of catches and impacts on components of the ecosystems resulting from fishing activities through conditioning the use and structure of fishing gear and restriction of access to fishing areas;
- 'fishing opportunity' means a quantified legal entitlement to fish, expressed in terms of catches and/or fishing effort and conditions functionally linked thereto which are necessary to quantify them at a certain level;
- 'fishing effort' means the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it is the sum of the fishing effort of all vessels in the group;
- 'transferable fishing concessions' means revocable user entitlements to a specific part of fishing opportunities allocated to a Member State or established in management plans adopted by a Member State in accordance with Article 19 of Regulation (EC) No

1967/2006<sup>34</sup>, which the holder may transfer to other eligible holders of such transferable fishing concessions;

- 'individual fishing opportunities' means annual fishing opportunities allocated to holders of transferable fishing concessions in a Member State on the basis of the proportion of fishing opportunities pertaining to that Member State;
- 'fishing capacity' means a vessel's tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86<sup>35</sup>;
- 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;
- 'fishing licence' means a licence as referred to in Article 4(9) of Regulation (EC) No 1224/2009;
- 'fishing authorisation' means an authorisation as referred to in Article 4(10) of Regulation (EC) No 1224/2009;
- 'fishing' means the collection or capture of aquatic organisms living in their natural environment, or the intentional use of any means allowing such collection or capture;
- 'fishery products' means the aquatic organisms resulting from any fishing activity;
- 'operator' means the natural or legal person who operates or holds any enterprise carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- 'serious infringement' means an infringement as defined in Article 42(1) of Council Regulation (EC) No 1005/2008 and in Article 90(1) of Council Regulation (EC) No 1224/2009;
- 'end-user of scientific data' means a body with a research or management interest in the scientific analysis of data in the fisheries sector;
- 'surplus of allowable catch' means that part of the allowable catch which a coastal State does not have the capacity to harvest;
- 'aquaculture products' mean the aquatic organisms at any stage of their life cycle resulting from any aquaculture activity;
- 'spawning stock biomass' means an estimate of the mass of the fish of a particular resource that reproduces at a defined time, including both males and females and including fish that reproduce viviparously;

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<sup>34</sup> OJ L 409, 30.12.2006, p. 11.

<sup>35</sup> OJ L 274, 25.9.1986, p. 1.



- 'Mixed fisheries' means fisheries where more than one species are present in the area being fished and are vulnerable to being caught in the fishing gear.
- 'sustainable fisheries agreements' mean international agreements concluded with another state for the purpose of obtaining access to resources or waters in exchange for financial compensation from the Union.

## PART II

### ACCESS TO WATERS

#### *Article 6*

#### **General rules on access to waters**

1. Union fishing vessels shall have equal access to waters and resources in all Union waters other than those referred to in paragraphs 2 and 3, subject to the measures adopted under Part III.
2. In the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States shall be authorised from 1 January 2013 to 31 December 2022 to restrict fishing to fishing vessels that traditionally fish in those waters from ports on the adjacent coast, without prejudice to the arrangements for Union fishing vessels flying the flag of other Member States under existing neighbourhood relations between Member States and the arrangements contained in Annex I, fixing for each Member State the geographical zones within the coastal bands of other Member States where fishing activities are pursued and the species concerned. Member States shall inform the Commission of the restrictions put in place under this paragraph.
3. In the waters up to 100 nautical miles from the baselines of the Azores, Madeira and the Canary Islands, the Member States concerned may from 1 January 2013 to 31 December 2022 restrict fishing to vessels registered in the ports of those islands. Such restrictions shall not apply to Union vessels that traditionally fish in those waters, in so far as those vessels do not exceed the fishing effort traditionally exerted. Member States shall inform the Commission of the restrictions put in place under this paragraph.
4. The provisions which will follow arrangements set out in paragraphs 2 and 3 shall be adopted by 31 December 2022.

# **PART III**

## **MEASURES FOR THE CONSERVATION OF MARINE BIOLOGICAL RESOURCES**

### **TITLE I**

#### **TYPES OF MEASURES**

##### *Article 7*

##### **Types of conservation measures**

Measures for the conservation of marine biological resources may include the following:

- (a) adopting multiannual plans under Articles 9 - 11;
- (b) establishing targets for the sustainable exploitation of stocks;
- (c) adopting measures for the purpose of adapting the number of fishing vessels and/or types of fishing vessels to available fishing opportunities;
- (d) establishing incentives, including those of an economic nature, to promote more selective or low impact fishing;
- (e) fixing fishing opportunities;
- (f) adopting technical measures as referred to in Article 14;
- (g) adopting measures concerning the obligation to land all catches;
- (h) conducting pilot projects on alternative types of fishing management techniques.

##### *Article 8*

##### **Types of technical measures**

Technical measures may include the following:

- (a) mesh sizes and rules concerning the use of fishing gears;
- (b) restrictions on the construction of fishing gear, including
  - i) modifications or additional devices to improve selectivity or to reduce impact on the benthic zone;
  - ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species;
- (c) prohibitions of the use of certain fishing gears in certain areas or seasons;

- (d) prohibition or restriction of fishing activities in certain zones and/or periods;
- (e) requirements for fishing vessels to cease operating in an area for a defined minimum period in order to protect a temporary aggregation of a vulnerable marine resource;
- (f) specific measures to reduce the impact of fishing activities on marine ecosystems and non target species;
- (g) other technical measures aimed at protecting marine biodiversity.

## **TITLE II**

### **UNION MEASURES**

#### *Article 9*

##### **Multiannual plans**

1. Multiannual plans providing for conservation measures to maintain or restore fish stocks above levels capable of producing maximum sustainable yield shall be established as a priority.
2. Multiannual plans shall provide for:
  - (a) the basis for fixing fishing opportunities for the fish stocks concerned on the basis of predefined conservation reference points; and
  - (b) measures capable of effectively preventing conservation reference points from being transgressed.
3. Multiannual plans shall, where possible, cover either fisheries exploiting single fish stocks or fisheries exploiting a mixture of stocks, taking due account of interactions between stocks and fisheries.
4. Multiannual plans shall be based on the precautionary approach to fisheries management and shall take into account the limitations of the available data and assessment methods and all quantified sources of uncertainty in a scientifically valid manner.

#### *Article 10*

##### **Objectives of multiannual plans**

1. Multiannual plans shall provide for adaptations of the fishing mortality rate, resulting in a fishing mortality rate that restores and maintains all stocks above levels capable of producing maximum sustainable yield by 2015.
2. In cases where the determination of a fishing mortality rate that restores and maintains stocks above levels capable of producing maximum sustainable yield is not possible, multiannual plans shall provide for precautionary measures ensuring a comparable degree of conservation of the relevant stocks.

*Article 11*  
**Content of multiannual plans**

A multiannual plan shall include:

- (a) the scope, in terms of stocks, fishery and the marine ecosystem to which the multiannual plan shall be applied;
- (b) objectives consistent with the objectives set out in Articles 2 and 3;
- (c) quantifiable targets expressed in terms of:
  - i) fishing mortality rates, and/or
  - ii) spawning stock biomass, and
  - ii) stability of catches.
- (d) clear time frames to reach the quantifiable targets;
- (e) technical measures including measures concerning the elimination of unwanted catches;
- (f) quantifiable indicators for periodic monitoring and assessment of the progress related to achieving the targets of the multiannual plan;
- (g) specific measures and objectives for the freshwater part of the life cycle of anadromous and catadromous species;
- (h) minimisation of impacts of fishing on the eco-system;
- (i) safeguards and criteria activating those safeguards;
- (j) any other measures suitable to achieve the objectives of multiannual plans.

*Article 12*  
**Compliance with obligations under Union environmental legislation**

1. In special areas of conservation within the meaning of Article 6 of Directive 92/43/EEC, of Article 4 of Directive 2009/147/EC and of Article 13(4) of Directive 2008/56/EC, fishing activities shall be conducted by Member States in such a way so as to alleviate the impact from fishing activities in such special areas of conservation.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify fishing related measures to alleviate the impact of fishing activities in special areas of conservation.

### *Article 13*

#### **Commission measures in case of a serious threat to marine biological resources**

1. On the basis of evidence of a serious threat to the conservation of marine biological resources, or to the marine eco-system and requiring immediate action, the Commission, upon a reasoned request of a Member State or on its own initiative, may decide on temporary measures to alleviate the threat.
2. The Member State shall communicate the reasoned request referred to in paragraph 1 simultaneously to the Commission, to the other Member States and to the Advisory Councils concerned.

### *Article 14*

#### **Technical measures frameworks**

Technical measures frameworks to ensure the protection of marine biological resources and the reduction of the impact of fishing activities on fish stocks and on marine eco-systems shall be established. Technical measures frameworks shall:

- (a) contribute to maintaining or restoring fish stocks above levels capable of producing maximum sustainable yield through improvements in size-selection and where appropriate species selection;
- (b) reduce catches of undersized individuals from fish stocks;
- (c) reduce catches of unwanted marine organisms;
- (d) mitigate the impact of fishing gear on the ecosystem and the environment, with particular regard to the protection of biologically sensitive stocks and habitats.

### *Article 15*

#### **Obligation to land all catches**

1. All catches of the following fish stocks subject to catch limits caught during fishing activities in Union waters or by Union fishing vessels outside Union waters shall be brought and retained on board the fishing vessels and recorded and landed, except when used as live bait, , in accordance with the following timeframe:
  - (a) At the latest from 1 January 2014:
    - mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardinella, capelin;
    - bluefin tuna, swordfish, albacore tuna, bigeye tuna, other billfish.
  - (b) At the latest from 1 January 2015: cod, hake, sole;
  - (c) At the latest from 1 January 2016: haddock, whiting, megrim, anglerfish, plaice, ling, saithe, pollack, lemon sole, turbot, brill, blue ling, black scabbard,

roundnose grenadier, orange roughy, Greenland halibut, tusk, redfish and Mediterranean demersal stocks.

2. Minimum conservation reference sizes based on the best available scientific advice shall be established for the fish stocks set out in paragraph 1. The sale of catches of such fish stocks below the minimum conservation reference size shall be restricted for reduction to fish meal or pet food only.
3. Marketing standards for catches of fish caught in excess of fixed fishing opportunities shall be established in accordance with Article 27 of [the Regulation on the common organisation of the markets in fishery and aquaculture products].
4. Member States shall ensure that Union fishing vessels flying their flag are equipped to ensure full documentation of all fishing and processing activities for the purpose of monitoring compliance with the obligation to land all catches.
5. Paragraph 1 shall be without prejudice to international obligations.
6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the measures set out in paragraph 1 for the purpose of complying with the Union's international obligations.

#### *Article 16*

#### **Fishing opportunities**

1. Fishing opportunities allocated to Member States shall ensure each Member State relative stability of fishing activities for each fish stock or fishery. The interests of each Member State shall be taken into account when new fishing opportunities are allocated.
2. By-catch fishing opportunities may be reserved under the total fishing opportunities.
3. Fishing opportunities shall comply with quantifiable targets, time frames and margins established in accordance with Article 9(2) and 11(b), (c) and (h).
4. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

## **TITLE III**

### **REGIONALISATION**

## **CHAPTER I**

### **MULTIANNUAL PLANS**

#### *Article 17*

#### **Conservation measures adopted in accordance with multiannual plans**

1. In a multiannual plan established pursuant to Articles 9, 10 and 11 Member States may be authorised to adopt measures, in accordance with that multiannual plan, which specify the conservation measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities.
2. Member States shall ensure that conservation measures adopted pursuant to paragraph 1:
  - (a) are compatible with the objectives set out in Articles 2 and 3;
  - (b) are compatible with the scope and objectives of the multiannual plan;
  - (c) meet the objectives and quantifiable targets set out in a multiannual plan effectively; and
  - (d) are no less stringent than those existing in Union legislation.

#### *Article 18*

#### **Notification of Member State conservation measures**

Member States adopting conservation measures pursuant to Article 17(1) shall notify the Commission, other interested Member States and relevant Advisory Councils of such measures.

#### *Article 19*

#### **Assessment**

The Commission may at any time assess the compatibility and effectiveness of conservation measures adopted by Member States pursuant to Article 17(1).

#### *Article 20*

#### **Default conservation measures adopted in the framework of multiannual plans**

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the conservation measures for fisheries covered by a

multiannual plan, if the Member States authorised to take measures in accordance with Article 17 do not notify such measures to the Commission within three months after the date of entry into force of the multiannual plan.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify conservation measures for fisheries covered by a multiannual plan, if
  - (a) Member State measures are deemed not to be compatible with the objectives of a multiannual plan on the basis of an assessment carried out pursuant to Article 19 or
  - (b) Member State measures are deemed not to meet the objectives and quantifiable targets set out in multiannual plans effectively, on the basis of an assessment carried out pursuant to Article 19, or
  - (c) safeguards established in accordance with Article 11(i) are triggered.
3. The conservation measures adopted by the Commission shall aim at ensuring that the objectives and targets set out in the multiannual plan are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

## CHAPTER II TECHNICAL MEASURES

### *Article 21* **Technical measures**

In a technical measures framework established pursuant to Article 14 Member States may be authorised to adopt measures, in accordance with that framework, which specify the technical measures applicable to vessels flying their flag in relation to stocks in their waters for which they have been allocated fishing opportunities. Member States shall ensure that such technical measures:

- (a) are compatible with the objectives set out in Articles 2 and 3;
- (b) are compatible with the objectives set out in measures adopted in accordance with Article 14;
- (c) meet the objectives set out in measures adopted in accordance with Article 14 effectively; and
- (d) are no less stringent than those existing in Union legislation.



*Article 22*  
**Notification of Member State technical measures**

Member States adopting technical measures pursuant to Article 21 shall notify the Commission, other interested Member States and relevant Advisory Councils of such measures.

*Article 23*  
**Assessment**

The Commission may at any time assess the compatibility and effectiveness of technical measures adopted by Member States pursuant to Article 21.

*Article 24*  
**Default measures adopted under a technical measures' framework**

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify the technical measures covered by a technical measures framework, if the Member States authorised to take measures in accordance with Article 21 do not notify such measures to the Commission within three months after the date of entry into force of the technical measures framework.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to specify technical measures, if Member State measures are deemed on the basis of an assessment carried out pursuant to Article 23:
  - (b) not to be compatible with the objectives set out in a technical measures framework or
  - (b) not to meet the objectives set out in such a technical measures framework effectively.
3. The technical measures adopted by the Commission shall aim at ensuring that the objectives of the technical measures framework are met. Upon the adoption of the delegated act by the Commission, the Member State measures shall cease to be effective.

**TITLE IV**  
**NATIONAL MEASURES**

*Article 25*  
**Member States' measures applicable solely to fishing vessels flying their flag**

A Member State may adopt measures for the conservation of fish stocks in Union waters provided that those measures:

- (a) apply solely to fishing vessels flying the flag of that Member State or, in the case of fishing activities which are not conducted by a fishing vessel, to persons established in the territory;
- (b) are compatible with the objectives set out in Articles 2 and 3; and
- (c) are no less stringent than those in existing Union legislation.

#### *Article 26*

#### **Member State measures within the 12 nautical mile zone**

1. A Member State may take non-discriminatory measures for the conservation and management of fish stocks and to minimise the effect of fishing on the conservation of marine eco-systems within 12 nautical miles of its baselines provided that the Union has not adopted measures addressing conservation and management specifically for that area. The Member State measures shall be compatible with the objectives set out in Articles 2 and 3 and no less stringent than those in existing Union legislation.
2. Where conservation and management measures to be adopted by a Member State are liable to affect fishing vessels of other Member States, such measures shall be adopted only after consulting the Commission, the relevant Member States and relevant Advisory Councils on a draft of the measures accompanied by an explanatory memorandum.

## **PART IV ACCESS TO RESOURCES**

#### *Article 27*

#### **Establishment of systems of transferable fishing concessions**

1. Each Member State shall establish a system of transferable fishing concessions no later than 31 December 2013 for
  - (a) all fishing vessels of 12 meters length over all or more; and
  - (b) all fishing vessels under 12 meters length overall fishing with towed gear.
2. Member States may extend the system of transferable fishing concessions to fishing vessels of less than 12 meters length overall and deploying other types of gear than towed gear and shall inform the Commission thereof.

*Article 28*  
**Allocation of transferable fishing concessions**

1. A transferable fishing concession shall establish an entitlement to use the individual fishing opportunities allocated in accordance with Article 29(1).
2. Each Member State shall allocate transferable fishing concessions on the basis of transparent criteria, for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained under sustainable fisheries agreements.
3. For the allocation of transferable fishing concessions pertaining to mixed fisheries, Member States shall take account of the likely catch composition of vessels participating in such fisheries.
4. Transferable fishing concessions may only be allocated by a Member State to an owner of a fishing vessel flying the flag of that Member State, or to legal or natural persons for the purpose of being used on such a vessel. Transferable fishing concessions may be pooled together for collective management by legal or natural persons or recognized producer organisations. Member States may limit eligibility for receiving transferable fishing concessions on the basis of transparent and objective criteria.
5. Member States may limit the period of validity of transferable fishing concessions to a period of at least 15 years, for the purpose of reallocating such concessions. Where Member States have not limited the period of validity of the transferable fishing concessions, they may recall such concessions with a notice of at least 15 years.
6. Member States may recall transferable fishing concessions with a shorter notice in the event of an established serious infringement committed by the holder of the concessions. Such recalls shall be operated in a manner which gives full effect to the Common Fisheries Policy, the proportionality principle and, whenever necessary, with immediate effect.
7. Notwithstanding paragraph 5 and 6, Member States may recall transferable fishing concessions that have not been used on a fishing vessel for a period of three consecutive years.

*Article 29*  
**Allocation of individual fishing opportunities**

1. Member States shall allocate individual fishing opportunities to holders of transferable fishing concessions, as referred to in Article 28, on the basis of fishing opportunities allocated to the Member States, or established in management plans adopted by Member States in accordance with Article 19 of Regulation (EC) No 1967/2006.
2. Member States shall determine fishing opportunities that, based on the best available scientific advice, can be allocated to fishing vessels flying their flag for species for which the Council has not fixed fishing opportunities.

3. Fishing vessels shall undertake fishing activities only when in possession of sufficient individual fishing opportunities to cover all their potential catch.
4. Member States may reserve up to 5% of fishing opportunities. They shall establish objectives and transparent criteria for the allocation of such reserved fishing opportunities. Those fishing opportunities may only be allocated to eligible holders of transferable fishing concessions as set out in Article 28(4).
5. When allocating transferable fishing concessions in accordance with Article 28 and when allocating fishing opportunities in accordance with paragraph 1 of this Article, a Member State may provide incentives to fishing vessels deploying selective fishing gear that eliminates unwanted by-catch within the fishing opportunities assigned to that Member State.
6. Member States may set fees for the use of individual fishing opportunities to contribute to fisheries management-related costs.

#### *Article 30*

#### **Register of transferable fishing concessions and individual fishing opportunities**

Member States shall establish and maintain a register of transferable fishing concessions and individual fishing opportunities.

#### *Article 31*

#### **Transfer of transferable fishing concessions**

1. Transferable fishing concessions may be fully or partially transferred within a Member State among eligible holders of such concessions.
2. A Member State may authorise transfer of transferable fishing concessions to and from other Member States.
3. Member States may regulate the transfer of transferable fishing concessions by providing for conditions for their transfer on the basis of transparent and objective criteria.

#### *Article 32*

#### **Leasing of individual fishing opportunities**

1. Individual fishing opportunities may be fully or partially leased within a Member State.
2. A Member State may authorise the leasing of individual fishing opportunities to and from other Member States.

*Article 33*

**Allocation of fishing opportunities not subject to a system of transferable fishing concessions**

1. Each Member State shall decide how fishing opportunities assigned to it in accordance with Article 16, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag. It shall inform the Commission of the allocation method.

**PART V**  
**MANAGEMENT OF FISHING CAPACITY**

*Article 34*

**Adjustment of fishing capacity**

1. Member States shall put in place measures to adjust the fishing capacity of their fleets in order to achieve an effective balance between such fishing capacity and their fishing opportunities.
2. No exit from the fleet supported by public aid granted under the framework of the European Fisheries Fund for the 2007-2013 programming period shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.
3. The fishing capacity corresponding to the fishing vessels withdrawn with public aid shall not be replaced.
4. Member States shall ensure that from 1 January 2013 the fishing capacity of their fleet does not exceed at any time the fishing capacity ceilings established in accordance with Article 35.

*Article 35*

**Management of fishing capacity**

1. Each Member State fleet shall be subject to fishing capacity ceilings as set out in Annex II.
2. Member States may request the Commission to exclude fishing vessels subject to a system of transferable fishing concessions established in accordance with Article 27 from the fishing capacity ceilings established in accordance with paragraph 1. In that case the fishing capacity ceilings shall be re-calculated to take into account the fishing vessels which are not subject to a system of transferable fishing concessions.
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the re-calculation of the fishing capacity ceilings as referred to in paragraphs 1 and 2.

*Article 36*  
**Fishing fleet registers**

1. Member States shall record the information on characteristics and activity for Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation.
2. Member States shall make available to the Commission the information referred to in paragraph 1.
3. The Commission shall set up a Union fishing fleet register containing the information that it receives pursuant paragraph 2.
4. The information contained in the Union fishing fleet register shall be made available to all Member States. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the definition of the information referred to in paragraph 1.
5. The Commission shall establish technical operational requirements for the modalities for transmission of the information referred to in paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56.

**PART VI**  
**SCIENCE BASE FOR FISHERIES MANAGEMENT**

*Article 37*  
**Data requirements for fisheries management**

1. Member States shall collect biological, technical, environmental and socio-economic data necessary for ecosystem based fisheries management, manage them and make them available to end users of scientific data, including bodies designated by the Commission. Those data shall in particular enable the assessment of:
  - (a) the state of exploited marine biological resources,
  - (b) the level of fishing and the impact that fishing activities have on the marine biological resources and on the marine eco-systems, and
  - (c) the socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.
2. Member States shall:
  - (d) ensure that the collected data are accurate and reliable;
  - (e) avoid duplication of data collection for different purposes;
  - (f) ensure safe storage of collected data and where applicable appropriate protection and confidentiality of collected data;

- (g) ensure that the Commission, or bodies designated by it, have access to the national databases and systems used for processing the collected data for the purpose of verification of the existence and quality of the data.
3. Member States shall ensure the national coordination of the collection and management of scientific data for fisheries management. To this end, they shall designate a national correspondent and organize an annual national coordination meeting. The Commission shall be informed of the national coordination activities and be invited to the coordination meetings.
  4. Member States shall coordinate their data collection activities with other Member States in the same region, and make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same region.
  5. The collection, management and use of data shall be done in the framework of a multi-annual programme as of 2014. Such a multi-annual programme shall include targets for the precision of the data to be collected, and aggregation levels for the collection, management and use of such data.
  6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55, to specify the targets for the precision of the data to be collected and to define the aggregation levels for the collection, management and use of such data, for the multi-annual programme referred to in paragraph 5.
  7. The Commission shall establish technical operational requirements for the modalities of transmission of the data collected. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56.

#### *Article 38*

#### **Research programs**

1. Member States shall adopt national fisheries scientific data collection, research and innovation programs. They shall coordinate their fisheries data collection, research and innovation activities with other Member States and Union research and innovation frameworks.
2. Member States shall ensure availability of relevant competences and human resources to be involved in the scientific advisory process.

## **PART VII**

### **EXTERNAL POLICY**

#### **TITLE I**

#### **INTERNATIONAL FISHERIES ORGANISATIONS**

##### *Article 39*

##### **Objectives**

1. The Union shall participate in the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) in line with international obligations and policy objectives and consistent with the objectives set out in Articles 2 and 3.
2. The positions of the Union in international organisations dealing with fisheries and RFMOs shall be based on the best available scientific advice to ensure that fishery resources are maintained above or restored above levels capable of producing maximum sustainable yield.
3. The Union shall actively contribute to and support the development of scientific knowledge and advice in RFMOs and international organisations.

##### *Article 40*

##### **Compliance with international provisions**

The Union shall cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures adopted by such international organisations.

#### **TITLE II**

#### **SUSTAINABLE FISHERIES AGREEMENTS**

##### *Article 41*

##### **Principles and objectives of Sustainable Fisheries Agreements**

1. Sustainable Fisheries Agreements with third countries shall establish a legal, economic and environmental governance framework for fishing activities carried out by Union fishing vessels in third country waters.
2. Union fishing vessels shall only catch surplus of the allowable catch determined by the third country as referred to in Article 62(2) of the United Nations Convention on the Law of the Sea, and identified on the basis of the best available scientific advice



and relevant information exchanged between the Union and the third country concerned about the total fishing effort on the affected stocks, in order to ensure that fishery resources remain above levels capable of producing maximum sustainable yield.

#### *Article 42*

#### **Financial assistance**

1. The Union shall provide financial assistance to third countries through sustainable Fisheries Agreements in order to:
  - (a) support part of the cost of access to the fisheries resources in third country waters;
  - (b) establish the governance framework, including the development and maintenance of the necessary scientific and research institutions, monitoring, control and surveillance capability and other capacity building items pertaining to the development of a sustainable fisheries policy driven by the third country. Such financial assistance shall be conditioned upon the achievement of specific results.

## **PART VIII AQUACULTURE**

#### *Article 43*

#### **Promoting aquaculture**

1. With a view to promoting sustainability and contributing to food security, growth and employment, non-binding Union strategic guidelines on common priorities and targets for the development of aquaculture activities shall be established by the Commission by 2013. Such strategic guidelines shall take account of the relative starting positions and different circumstances throughout the Union, shall form the basis for multiannual national strategic plans and shall aim at:
  - (a) improving the competitiveness of the aquaculture industry and supporting its development and innovation;
  - (b) encouraging economic activity;
  - (c) diversification and improvement of the quality of life in coastal and rural areas;
  - (d) a level-playing field for aquaculture operators in relation to access to waters and space.
2. Member States shall establish a multiannual national strategic plan for the development of aquaculture activities on their territory by 2014.
3. The multiannual national strategic plan shall include the Member State's objectives and the measures to achieve them.
4. Multiannual national strategic plans shall aim in particular at the following:

- (a) administrative simplification, in particular regarding licenses;
  - (b) certainty for aquaculture operators in relation to access to waters and space;
  - (c) indicators for environmental, economic and social sustainability;
  - (d) assessment of other possible cross-bordering effects on neighbouring Member States.
5. Member States shall exchange information and best practices through an open method of coordination of the national measures contained in multiannual strategic plans.

*Article 44*  
**Consultation of Advisory Councils**

An Advisory Council on aquaculture shall be established in accordance with Article 53.

**PART IX**  
**COMMON MARKET ORGANISATION**

*Article 45*  
**Objectives**

1. A common organisation of the markets in fishery and aquaculture products shall be established to:
  - (a) contribute to the achievement of the objectives laid down in Articles 2 and 3;
  - (b) enable the fishery and aquaculture industry to apply the Common Fisheries Policy at the appropriate level;
  - (c) strengthen the competitiveness of the Union fishery and aquaculture industry, in particular producers;
  - (d) improve the transparency of the markets, in particular as regards economic knowledge and understanding of the Union markets for fishery and aquaculture products along the supply chain and consumer awareness;
  - (e) contribute to ensuring a level playing field for all products marketed in the Union by promoting sustainable exploitation of fisheries resources.
2. The common organisation of the markets shall apply to the fishery and aquaculture products listed in Annex I to [the Regulation on the common organisation of the markets in fishery and aquaculture products], which are marketed in the Union.
3. The common organisation of the markets shall comprise in particular:
  - (a) organisation of the industry including market stabilization measures;

- (b) common marketing standards.

## **PART X**

### **CONTROL AND ENFORCEMENT**

#### *Article 46*

#### **Objectives**

1. Compliance with the rules of the Common Fisheries Policy shall be ensured through an effective Union fisheries control system, including the fight against illegal, unreported and unregulated (IUU) fishing.
2. The Union fisheries control system shall in particular be based on:
  - (a) a global and integrated approach;
  - (b) the use of modern control technologies for the availability and quality of data on fisheries;
  - (c) a risk-based strategy focused on systematic and automated cross-checks of all available relevant data;
  - (d) the development of a culture of compliance among operators;
  - (e) the establishment of effective, proportionate and dissuasive sanctions.

#### *Article 47*

#### **Pilot projects on new control technologies and data management systems**

1. The Commission and the Member States may carry out pilot projects on new control technologies and systems for data management.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning rules for carrying out pilot projects on new control technologies and data management systems.

#### *Article 48*

#### **Contribution to control, inspection and enforcement costs**

Member States may require holders of a fishing licence for fishing vessels of 12 meters length overall or more flying their flag to contribute proportionally to the costs of implementing the Union fisheries control system.

## **PART XI**

### **FINANCIAL INSTRUMENTS**

#### *Article 49*

##### **Objectives**

Union financial assistance may be granted to contribute to the achievement of the objectives set out in Articles 2 and 3.

#### *Article 50*

##### **Conditions for financial assistance towards Member States**

1. Union financial assistance towards Member States shall be conditional upon compliance with the rules of the Common Fisheries Policy by Member States.
2. Non compliance by Member States with the rules of the Common Fisheries Policy may result in the interruption or suspension of payments or in the application of a financial correction to Union financial assistance under the Common Fisheries Policy. Such measures shall be proportionate to the nature, extent, duration and repetition of the non compliance.

#### *Article 51*

##### **Conditions for financial assistance towards operators**

1. Union financial assistance towards operators shall be conditional upon compliance with the rules of the Common Fisheries Policy by operators.
2. Serious infringements by operators of the rules of the Common Fisheries Policy shall result in temporary or permanent bans on access to the Union financial assistance and/or the application of financial reductions. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements.
3. Member States shall ensure that Union financial assistance is granted only if no sanctions for serious infringements have been imposed to the concerned operator within a period of 1 year prior to the date of application for Union financial assistance.

## **PART XII**

### **ADVISORY COUNCILS**

#### *Article 52*

##### **Advisory Councils**

1. Advisory Councils are established for each of the areas of competence set out in Annex III, to promote a balanced representation of all stakeholders and to contribute to the achievement of the objectives set out in Articles 2 and 3.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning amendments to that Annex to change the areas of competence, to create new areas of competence for Advisory Councils or to create new Advisory Councils.
3. Each Advisory Council shall establish its rules of procedure.

#### *Article 53*

##### **Tasks of Advisory Councils**

1. Advisory Councils may:
  - (a) submit recommendations and suggestions on matters relating to fisheries management and aquaculture to the Commission or to the Member State concerned;
  - (b) inform the Commission and Member States of problems relating to fisheries management and aquaculture in their area of competence;
  - (c) contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures.
2. The Commission and, where relevant, the Member State concerned, shall reply within a reasonable time period to any recommendation, suggestion or information received pursuant to paragraph 1.

#### *Article 54*

##### **Composition, functioning and funding of Advisory Councils**

1. Advisory Councils shall be composed of organizations representing the fisheries operators and other interest groups affected by the Common Fisheries Policy.
2. Each Advisory Council shall consist of a general assembly and an executive committee and shall adopt the measures necessary for its organization and to ensure transparency and the respect of all opinions expressed.
3. Advisory Councils may apply for Union financial assistance as bodies pursuing an aim of general European interest.

4. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the composition and the functioning of Advisory Councils.

## **PART XIII**

### **PROCEDURAL PROVISIONS**

#### *Article 55*

#### **Exercise of delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 12(2), 15(6), 20(1) and (2), 24(1) and (2), 35(3), 36(4), 37(6), 47(2), 52(2), 54(4) shall be conferred for an indeterminate period of time from 1 January 2013.
3. The delegation of power referred to in Articles 12(2), 15(6), 20(1) and (2), 24(1) and (2), 35(3), 36(4), 37(6), 47(2), 52(2), 54(4) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 12(3), 15(4), 20(1) and (2), 24(1) and (2), 35(3), 36(4), 37(7), 47(2), 52(2), 54(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

#### *Article 56*

#### **Implementation**

In the implementation of the rules of the Common Fisheries Policy, the Commission shall be assisted by a Committee for fisheries and aquaculture. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

## **Part XIV**

### **FINAL PROVISIONS**

#### *Article 57*

##### **Repeals**

1. Regulation (EC) No 2371/2002 is repealed.  
  
References to the repealed Regulation shall be construed as references to this Regulation.
2. Decision (EC) No 2004/585 is hereby repealed with effect from the entry into force of the rules adopted under Articles 51(4) and 52(4).
3. Article 5 of Regulation (EC) No 1954/2003 shall be deleted.
4. Regulation (EC) No 199/2008 is repealed.
5. Regulation (EC) No 639/2004 is repealed.

#### *Article 58*

##### **Transitional measures**

Notwithstanding Article 57(4), Regulation (EC) No 199/2008 shall continue to apply to the national programmes adopted for the collection and management of data for the years 2011 - 2013.

#### *Article 59*

##### **Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**ANNEX I**  
**ACCESS TO COASTAL WATERS WITHIN THE MEANING OF ARTICLE 6(2)**

**1. COASTAL WATERS OF THE UNITED KINGDOM**

**A. ACCESS FOR FRANCE**

<b>Geographical area</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
<b>United Kingdom coast (6 to 12 nautical miles)</b>		
1. Berwick-upon-Tweed east Coquet Island east	Herring	Unlimited
2. Flamborough Head east Spurn Head east	Herring	Unlimited
3. Lowestoft east Lyme Regis south	All species	Unlimited
4. Lyme Regis south Eddystone south	Demersal	Unlimited
5. Eddystone south Longships south-west	Demersal Scallops Lobster Crawfish	Unlimited Unlimited Unlimited Unlimited
6. Longships south-west Hartland Point north-west	Demersal Crawfish Lobster	Unlimited Unlimited Unlimited
7. Hartland Point to a line from the north of Lundy Island	Demersal	Unlimited





		or particular characteristics
<b>United Kingdom coast (6 to 12 nautical miles)</b>		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumbrugh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick-upon-Tweed east, Whitby High lighthouse east	Herring	Unlimited
3. North Foreland lighthouse east, Dungeness new lighthouse south	Herring	Unlimited
4. Zone around St Kilda	Herring Mackerel	Unlimited Unlimited
5. Butt of Lewis lighthouse west to the line joining Butt of Lewis lighthouse and the point 59°30'N-5°45'W	Herring	Unlimited
6. Zone around North Rona and Sulisker (Sulasgeir)	Herring	Unlimited

#### D. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
<b>United Kingdom coast (6 to nautical 12 miles)</b>		
1. East of Shetlands and Fair Isle between lines drawn due south-east from Sumburgh Head lighthouse due north-east from Skroo lighthouse and due south-west from Skadan lighthouse	Herring	Unlimited
2. Berwick upon Tweed east, Flamborough Head east	Herring	Unlimited
3. North Foreland east, Dungeness new lighthouse south	Herring	Unlimited

#### E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics

<b>United Kingdom coast (6 to nautical 12 miles)</b>		
1. Berwick upon Tweed east Coquer Island east	Herring	Unlimited
2. Cromer north North Foreland east	Demersal	Unlimited
3. North Foreland east Dungeness new lighthouse south	Demersal Herring	Unlimited Unlimited
4. Dungeness new lighthouse south, Selsey Bill south	Demersal	Unlimited
5. Straight Point south-east, South Bishop north-west	Demersal	Unlimited

## **2. COASTAL WATERS OF IRELAND**

### **A. ACCESS FOR FRANCE**

<b>Geographical area</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
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<b>Irish coast (6 to 12 nautical miles)</b>
---------------------------------------------

1. Erris Head north-west Sybil Point west	Demersal Nephrops	Unlimited Unlimited
2. Mizen Head south Stags south	Demersal Nephrops Mackerel	Unlimited Unlimited Unlimited
3. Stags south Cork south	Demersal Nephrops Mackerel Herring	Unlimited Unlimited Unlimited Unlimited
4. Cork south, Carnsore Point south	All species	Unlimited
5. Carnsore Point south, Haulbowline south-east	All species,	Unlimited

except  
shellfish

## B. ACCESS FOR THE UNITED KINGDOM

Geographical area	Species	Importance or particular characteristics
<b>Irish coast (6 to 12 miles)</b>		
1. Mine Head south Hook Point	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
2. Hook Point Carlingford Lough	Demersal	Unlimited
	Herring	Unlimited
	Mackerel	Unlimited
	Nephrops	Unlimited
	Scallops	Unlimited

## C. ACCESS FOR THE NETHERLANDS

Geographical area	Species	Importance or particular characteristics
<b>Irish coast (6 to 12 miles)</b>		
1. Stags south Carnsore Point south	Herring	Unlimited
	Mackerel	Unlimited

## D. ACCESS FOR GERMANY

Geographical area	Species	Importance or particular characteristics
<b>Irish coast (6 to 12 nautical miles)</b>		
1. Old Head of Kinsale south	Herring	Unlimited

Carnsore Point south		
2. Cork south Carnsore Point south	Mackerel	Unlimited

#### E. ACCESS FOR BELGIUM

Geographical area	Species	Importance or particular characteristics
<b>Irish coast (6 to 12 nautical miles)</b>		
1. Cork south Carnsore Point south	Demersal	Unlimited
2. Wicklow Head east Carlingford Lough south-east	Demersal	Unlimited

#### 3. COASTAL WATERS OF BELGIUM

Geographical area	Member State	Species	Importance or particular characteristics
3 to 12 nautical miles	Netherlands	All species	Unlimited
	France	Herring	Unlimited

#### 4. COASTAL WATERS OF DENMARK

Geographical areas	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm) (6 to 12 nautical miles)	Germany	Flatfish Shrimps and prawns	Unlimited Unlimited
Danish/German frontier to Blåvands Huk	Netherlands	Flatfish	Unlimited

		Roundfish	Unlimited
Blåvands Huk to Bovbjerg	Belgium	Cod	Unlimited only during June and July
		Haddock	Unlimited only during June and July
	Germany	Flatfish	Unlimited
	Netherlands	Plaice	Unlimited
		Sole	Unlimited
Thyborøn to Hanstholm	Belgium	Whiting	Unlimited only during June and July
		Plaice	Unlimited only during June and July
	Germany	Flatfish	Unlimited
		Sprat	Unlimited
		Cod	Unlimited
		Saithe	Unlimited
		Haddock	Unlimited
		Mackerel	Unlimited
		Herring	Unlimited
		Whiting	Unlimited
	Netherlands	Cod	Unlimited
		Plaice	Unlimited
		Sole	Unlimited

Skagerrak (Hanstholm to Skagen) (4 to 12 nautical miles)		Belgium	Plaice	Unlimited only during June and July
		Germany	Flatfish	Unlimited
			Sprat	Unlimited
			Cod	Unlimited
			Saithe	Unlimited
			Haddock	Unlimited
			Mackerel	Unlimited
			Herring	Unlimited
			Whiting	Unlimited
		Netherlands	Cod	Unlimited
			Plaice	Unlimited
			Sole	Unlimited
Kattegat (3 to 12 miles)		Germany	Cod	Unlimited
			Flatfish	Unlimited
			Nephrops	Unlimited
			Herring	Unlimited
North of Zeeland to the parallel of the latitude passing through Forsnæs lighthouse		Germany	Sprat	Unlimited
Baltic Sea (including Belts, Sound, Bornholm) 3 to 12 nautical miles		Germany	Flatfish	Unlimited
			Cod	Unlimited
			Herring	Unlimited
			Sprat	Unlimited

		Eel	Unlimited
		Salmon	Unlimited
		Whiting	Unlimited
		Mackerel	Unlimited
Skagerrak (4 to 12 miles)	Sweden	All species	Unlimited
Kattegat (3 $\varnothing^*$ to 12 miles)	Sweden	All species	Unlimited
Baltic Sea (3 to 12 miles)	Sweden	All species	Unlimited
(*) Measured from the coast line.			

## 5. COASTAL WATERS OF GERMANY

Geographical area	Member State	Species	Importance or particular characteristics
North Sea coast (3 to 12 nautical miles) all coasts	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sand-eel	Unlimited
Netherlands	Demersal	Unlimited	
		Shrimps and prawns	Unlimited
Danish/German frontier to the northern tip of Amrum at 54°43'N	Denmark	Shrimps and prawns	Unlimited



Zone around Helgoland		United Kingdom	Cod	Unlimited
			Plaice	Unlimited
Baltic coast (3 to 12 miles)		Denmark	Cod	Unlimited
			Plaice	Unlimited
			Herring	Unlimited
			Sprat	Unlimited
			Eel	Unlimited
			Whiting	Unlimited
			Mackerel	Unlimited

## 6. COASTAL WATERS OF FRANCE AND THE OVERSEAS DEPARTMENTS

Geographical area	Member State	Species	Importance or particular characteristics
<b>North-east Atlantic coast (6 to 12 nautical miles)</b>			
Belgian/French frontier to east of Departement Manche (Vire-Grandcamp les Bains estuary 49° 23' 30" N-1° 2 'WNNE)	Belgium	Demersal	Unlimited
		Scallops	Unlimited
	Netherlands	All species	Unlimited
Dunkerque (2° 20' E) to Cap d'Antifer (0° 10' E)	Germany	Herring	Unlimited only during October to December
Belgian/French frontier to Cap d'Alprech west (50° 42 30" N — 1° 33' 30" E)	United Kingdom	Herring	Unlimited
<b>Atlantic Coast (6 to 12 nautical miles)</b>			

Spanish/French frontier to 46° 08' N		Spain	Anchovies	Directed fishing, unlimited only from 1 March to 30 June
				Fishing for live bait from 1 July to 31 October only.
			Sardines	Unlimited only from 1 January to 28 February and from 1 July to 31 December,
				In addition, activities relating to the abovementioned species must be pursued in accordance with and within the limits of the activities pursued during 1 984
<b>Mediterranean coast (6 to 12 nautical miles)</b>				
Spanish frontier Cap Leucate		Spain	All species	Unlimited

## 7. COASTAL WATERS OF SPAIN

Geographical area	Member State	Species	Importance or particular characteristics
<b>Atlantic coast (6 to 12 nautical miles)</b>			
French/Spanish frontier to Cap Mayor lighthouse (3° 47' W)	France	Pelagic	Unlimited in accordance with and within the limits of the activities

			pursued during 1984
<b>Mediterranean coast (6 to 12 nautical miles)</b>			
French frontier/Cap Creus	France	All species	Unlimited

## 8. COASTAL WATERS OF THE NETHERLANDS

<b>Geographical area</b>	<b>Member State</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
(3 to 12 nautical miles) whole coast	Belgium	All species	Unlimited

Denmark Demersal Unlimited

Sprat Unlimited

Sandeel Unlimited

Horse mackerel Unlimited

Germany Cod Unlimited

Shrimps and prawns Unlimited

(6 to 12 nautical miles) whole coast	France	All species	Unlimited
Texel south point, west to the Netherlands/German frontier	United Kingdom	Demersal	Unlimited

## 9. COASTAL WATERS OF FINLAND

<b>Geographical area</b>	<b>Member State</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
Baltic Sea (4 to 12 miles) (*)	Sweden	All	Unlimited

		species	
(*) 3 to 12 miles around Bogskär Isles.			

#### 10. COASTAL WATERS OF SWEDEN

Geographical area	Member State	Species	Importance or particular characteristics
Skagerrak (4 to 12 nautical miles)	Denmark	All species	Unlimited
Kattegat (3 <u>(*)</u> to 12 miles)	Denmark	All species	Unlimited
Baltic Sea (4 to 12 miles)	Denmark	All species	Unlimited
	Finland	All species	Unlimited
(*) Measured from the coastline			

### ANNEX II FISHING CAPACITY CEILINGS

Capacity ceilings (based on the situation on 31 December 2010)		
Member State	GT	kW
Belgium	18.911	51.585
Bulgaria	8.448	67.607
Denmark	88.528	313.341
Germany	71.114	167.089
Estonia	22.057	53.770
Ireland	77.254	210.083
Greece	91.245	514.198

Spain (including outermost regions)	446.309	1.021.154
France (including outermost regions)	219.215	1.194.360
Italy	192.963	1.158.837
Cyprus	11.193	48.508
Latvia	49.067	65.196
Lithuania	73.489	73.516
Malta	15.055	96.912
Netherlands	166.384	350.736
Poland	38.376	92.745
Portugal (including outermost regions)	115.305	388.054
Romania	1.885	6.716
Slovenia	1.057	10.974
Finland	18.187	182.385
Sweden	42.612	210.744
United Kingdom	235.570	924.739
Outermost regions of the EU	GT	kW
Spain		
Canary Islands: L < 12 m. EU waters	2.649	21.219
Canary Islands: L > 12 m. EU waters	3.059	10.364
Canary Islands: L > 12 m. International and third country waters	28.823	45.593
France		
Reunion Island: Demersal and pelagic species. L < 12 m	1.050	19.320
Reunion Island: Pelagic species. L > 12 m	10.002	31.465
French Guyana: Demersal and pelagic species. Length < 12 m	903	11.644

French Guyana: Shrimp vessels	7.560	19.726
French Guyana: Pelagic species. Offshore vessels.	3.500	5.000
Martinique: Demersal and pelagic species. L < 12 m	5.409	142.116
Martinique: Pelagic species. L > 12 m	1.046	3.294
Guadeloupe: Demersal and pelagic species. L < 12 m	6.188	162.590
Guadeloupe: Pelagic species. L > 12 m	500	1.750
Portugal		
Madeira: Demersal species. L < 12 m	617	4.134
Madeira: Demersal and pelagic species. L > 12 m	4.114	12.734
Madeira: Pelagic species. Seine. L > 12 m	181	777
Azores: Demersal species. L < 12 m	2.626	29.895
Azores: Demersal and pelagic species. L > 12 m	12.979	25.721

L means length overall

### **ANNEX III** **ADVISORY COUNCILS**

<b>Name of the Advisory Council</b>	<b>Area of competence</b>
Baltic Sea	ICES <sup>36</sup> zones IIIb, IIIc and IIId
Mediterranean Sea	Maritime Waters of the Mediterranean of the East of line 5°36' West
North Sea	ICES zones IV and IIIa
North Western waters	ICES zones V (excluding Va and only Union waters of Vb), VI and VII
South Western waters	ICES zones VIII, IX and X (waters around Azores), and CECAF <sup>37</sup> zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the

<sup>36</sup> ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009.  
<sup>37</sup> CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009.

Canary Islands)

Pelagic stocks (blue whiting, mackerel, horse mackerel, herring)

All areas competence (excluding the Baltic Sea, the Mediterranean Sea and Aquaculture)

High seas/long distance fleet

All non Union-waters

Aquaculture

Aquaculture, as defined in Article 5

## **LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS**

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management method(s) envisaged

### **2. MANAGEMENT MEASURES**

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

### **3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE**

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
  - 3.2.1. Summary of estimated impact on expenditure
  - 3.2.2. Estimated impact on operational appropriations
  - 3.2.3. Estimated impact on appropriations of an administrative nature
  - 3.2.4. Compatibility with the current multiannual financial framework
  - 3.2.5. Third-party participation in financing
- 3.3. Estimated impact on revenue



## LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS

### **1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

#### **1.1. Title of the proposal/initiative**

Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy

#### **1.2. Policy area(s) concerned in the ABM/ABB structure<sup>38</sup>**

Policy Area 11: Maritime Affairs and Fisheries

#### **1.3. Nature of the proposal/initiative**

- ☐ The proposal/initiative relates to **a new action**
- ☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action<sup>39</sup>**
- ☐ The proposal/initiative relates to **the extension of an existing action**
- ☒ The proposal/initiative relates to **an action redirected towards a new action**

#### **1.4. Objectives**

##### *1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Resource efficient Europe

##### *1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned*

###### Specific objectives

To contribute to the objectives laid down in Article 39 TFEU.

1. To improve stakeholders involvement
2. Ensure the availability of scientific advice
3. Modernise and strengthen control across the Union
4. Audit the control and inspection activities in Member States
5. Contribute to better coordination to Member States' control activities by means of the Community Fisheries Control Agency

###### ABM/ABB activity(ies) concerned

Activity ABB 11 04 01, 11 07 02, 11 08 01, 11 08 02, 11 08 05

<sup>38</sup>

ABM: Activity-Based Management – ABB: Activity-Based Budgeting.

<sup>39</sup>

As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

#### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Sustainability is at the heart of the proposed reform of the CFP, with the objective that by 2015 fish stocks must be exploited at the level of maximum sustainable yield. Sustainable fisheries leading to increases in catches and profit margins will free the catching sector from depending on public support, and would also make it easier to achieve stable prices under transparent conditions, bringing also benefits to the consumers.

#### 1.4.4. *Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

Environmental impacts: stocks at Fmsy, reduction of overcapacity and progress in implementing transferable fishing shares.

Economic impacts: income of actors in the catching sector, GVA, revenue/break even revenue and net profit margin.

Social impacts: Employment (FTE) and crew wage per FTE.

### 1.5. **Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term*

The CFP shall achieve environmental, economic and social sustainability as regards the exploitation of fisheries resources. These objectives are legally equally important and none of them can be achieved in isolation. However, the Impact Assessment carried out in relation to the reform of the CFP confirmed that without more marked improvements in stock status, economic and social sustainability will remain limited.

#### 1.5.2. *Added value of Union involvement*

According to Article 3(d) TFEU, the Union shall have exclusive competence in the conservation of marine biological resources. According to Article 4(2)(d) the Union and MS have shared competence for the rest of the CFP. The added value of Union involvement is related to the fact that the CFP concerns the exploitation of a common pool of resources.

#### 1.5.3. *Lessons learned from similar experiences in the past*

The Green Paper on the reform of the Common Fisheries Policy<sup>40</sup> concluded that the CFP is not achieving its key objectives: fish stocks are overfished, the economic situation of parts of the fleet is fragile despite high levels of subsidies, jobs in the fishing sector are unattractive and the situation of many coastal communities depending on fisheries is precarious. The outcome of the wide consultation process that followed the Green Paper confirmed this analysis<sup>41</sup>.

<sup>40</sup> COM(2009)163 final of 22 April 2009.

<sup>41</sup> See also SEC(2010)428 final of 16 April 2010 *Synthesis of the Consultation on the Reform of the Common Fisheries Policy*.

The main problem of the current CFP is the lack of environmental sustainability due to overfishing. All other problems contribute to this. Fleet overcapacity, deviation from scientific advice when setting total allowable catches, and the lack of prioritisation of objectives are the main drivers for overfishing. Secondly the poor economic sustainability of the catching sector is a problem. Many fleets are unprofitable and vulnerable to external shocks such as increases in fuel prices. Thirdly a lack of social sustainability affects the catching sector and areas depending on fishing.

#### *1.5.4. Coherence and possible synergy with other relevant instruments*

The objective of achieving exploitation of fish stocks at the level of maximum sustainable yield established in the UN Convention on the Law of the Sea and was adopted at the 2002 World Summit on Sustainable Development as a target to reach by 2015, where possible. This objective will allow the reformed CFP to better to achieving Good Environmental Status in the marine environment in line with the Marine Strategy Framework Directive<sup>42</sup>.

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<sup>42</sup> Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy,

## 1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

- ☐ Proposal/initiative in effect from
- ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- Followed by full-scale operation.

## 1.7. Management mode(s) envisaged<sup>43</sup>

☒ **Centralised direct management** by the Commission

☐ **Centralised indirect management** with the delegation of implementation tasks to:

- ☐ executive agencies
- ☐ bodies set up by the Communities<sup>44</sup>
- ☐ national public-sector bodies/bodies with public-service mission
- ☐ persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

☒ **Shared management** with the Member States

☐ **Decentralised management** with third countries

☐ **Joint management** with international organisations (*to be specified*)

*If more than one management mode is indicated, please provide details in the "Comments" section.*

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<sup>43</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

<sup>44</sup> As referred to in Article 185 of the Financial Regulation.

## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

### **2.2. Management and control system**

#### **2.2.1. Risk(s) identified**

#### **2.2.2. Control method(s) envisaged**

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Description.....]	Diff./non-diff (45)	from EFTA <sup>46</sup> countries	from candidate countries <sup>47</sup>	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation
2	11 04 01 Closer dialogue with the fishing industry and those affected by the common fisheries policy	Diff	No	No	No	No
2	11 07 02 Support for the management of fishery resources (improvement of scientific advice	Diff	No	No	No	No
2	11 08 01 Financial contribution to the Member States for expenses in the field of control	Diff	No	No	No	No
2	11 08 02 Inspection and surveillance of fishing activities in Union waters and elsewhere	Diff	No	No	No	No
2	11.08.05.01. Community Fisheries Control Agency (CFCA) Contribution to Titles.1 and.2	Diff	No	No	No	No
2	11.08.05.02. Community Fisheries Control Agency (CFCA) Contribution to Title.3	Diff	No	No	No	No

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading.....]	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 18(1)(aa) of the Financial Regulation

<sup>45</sup> Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations

<sup>46</sup> EFTA: European Free Trade Association.

<sup>47</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

	[XX.YY.YY.YY]		YES/ O	YES/ O	YES/ O	YES/NO
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### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places)

<b>Heading of multiannual financial framework:</b>	2	Preservation and management of natural resources
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DG: MARE			2013 <sup>48</sup>	Year N+1	Year N+2	Year N+3	Year N+4	Year N+5	Y e a r N + 6	Y e a r N + 7	Y e a r N + 8	Y e a r N + 9	TOTAL
• Operational appropriations													
11 04 01	Commitments	(1)	6.400										
	Payments	(2)	5.950										
11 07 02	Commitments	(1a)	4.500										
	Payments	(2a)	3.500										
11 08 01	Commitments	(1a)	47.430										
	Payments	(2a)	25.200										
11 08 02	Commitments	(1a)	2.300										
	Payments	(2a)	2.300										
11.08.05.01	Commitments	(1a)	7.413										
	Payments	(2a)	7.413										
11.08.05.02	Commitments	(1a)	1.711										
	Payments	(2a)	2.711										

<sup>48</sup> Year N is the year in which implementation of the proposal/initiative starts.



Appropriations of an administrative nature financed from the envelope for specific programmes <sup>49</sup>													
		(3)											
<b>TOTAL appropriations for DG MARE</b>	Commitments	=1+1a +3	69.754										
	Payments	=2+2a +3	47.074										

• TOTAL operational appropriations	Commitments	(4)	69.754										
	Payments	(5)	47.074										
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)											
<b>TOTAL appropriations under HEADING 2</b> of the multiannual financial framework	Commitments	=4+ 6	69.754										
	Payments	=5+ 6	47.074										

**If more than one heading is affected by the proposal / initiative:**

• TOTAL operational appropriations	Commitments	(4)	69.754										
	Payments	(5)	47.074										
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)											
<b>TOTAL appropriations under HEADINGS 1 to 4</b> of the multiannual financial framework (Reference amount)	Commitments	=4+ 6											
	Payments	=5+ 6											

<sup>49</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.



<b>Heading of multiannual financial framework:</b>	<b>5</b>	" Administrative expenditure "
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EUR million (to 3 decimal places)

2013	Year N+1	Year N+2	Year N+3	Year N+4	Year N+5	Y e a r  N + 6	Y e a r  N + 7	Y e a r  N + 8	Y e a r  N + 9	TOTAL
------	-------------	-------------	-------------	-------------	-------------	-------------------------------------	-------------------------------------	-------------------------------------	-------------------------------------	-------

DG:										
• Human resources	9.404									
• Other administrative expenditure 11 01 02 11	0.210									
<b>TOTAL DG</b>	Appropriations	9.614								

<b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b>	(Total commitments = Total payments)	9.614								
--------------------------------------------------------------------------------------------	-----------------------------------------	-------	--	--	--	--	--	--	--	--

EUR million (to 3 decimal places)

Year 2013 <sup>50</sup>	Year N+1	Year N+2	Year N+3	Year N+4	Year N+5	Y e a r	Y e a r	Y e a r	Y e a r	TOTAL
----------------------------	-------------	-------------	-------------	-------------	-------------	------------------	------------------	------------------	------------------	-------

<sup>50</sup> Year N is the year in which implementation of the proposal/initiative starts.

								N + 6	N + 7	N + 8	N + 9	
<b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework</b>	Commitments	79.368										
	Payments	56.688										

### 3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of operational appropriations
- ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

Indicate objectives and outputs			2013	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)								TOTAL			
	OUTPUTS																	
↓	Type of output <sup>51</sup>	Average cost of the output	Number	Cost	Number	Cost	Number of outputs	Cost	Number of outputs	Cost	Number	Cost	Number	Cost	Number	Cost	Total number of outputs	Total cost
SPECIFIC OBJECTIVE No 1 <sup>52</sup> ...			To improve stakeholders involvement															
Additional	No.	0.280	8	2.240														
s																		
web	No.	0.040	5	0.200														
ons and up-																		
of contents																		
ING MARE																		
ites.																		
Production and distribution of the magazine "Fisheries and Aquaculture in Europe" in 23 languages (5	No.	0.114	5	0.580														

<sup>51</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>52</sup> As described in Section 1.4.2. "Specific objective(s)..."

issues per year).																		
Production and distribution of qualitative information materials for the media, the general public and stakeholders, including audiovisual material .Communication campaign on priority issues such as the CFP reform.	No.	0.310	6	1.860														
Production and distribution of multilingual publications.	No.	0.025	20	0.500														
Participation of DG MARE in fairs.	No.	0.200	1	0.200														
Organisation of European Maritime Day in May of each year.	No.	0.400	1	0.400														
Conferences and seminars on CFP and IMP regarding e.g. the CFP reform.	No.	0.050	4	0.200														
Others (promotional material, logo, storage and	No.	0.110	2	0.220														

diffusion by the Publication Office).																	
Sub-total for specific objective N°1				6.400													
SPECIFIC OBJECTIVE No 2...			Ensure the availability of scientific advice														
Support for the implementation of the data collection framework, notably by coordinating and organising the activities of STECF, maintaining relevant websites and support the establishment of the report on the "Annual Economic Performance of Union fishing fleet" in the framework of an Administrative Arrangement between the Commission and the JRC.	Administrative arrangements	1.400	1	1.400													
Provision of recurrent advice on the stock status managed through TACs and Quotas Regulation and provision of non	Memorandum	1.500	1	1.500													

recurrent advice such as evaluation of multi-annual plans or harvest control rules in the framework of a Memorandum of Understanding between the Commission and ICES.																		
Provision of advice on fisheries stocks in relation to biological, technical, economic and ecosystem issues by experts in the framework of meetings of STECF and its subgroups.	No. meetings	0.024	25	0.6														
Scientific advice and other services for the implementation of the common fisheries policy in the Mediterranean.		1.0	2	1.0														
Sub-total for specific objective N°2				4.500														
SPECIFIC OBJECTIVE No 3...		Modernise and strengthen control across the Union																
IT systems and data analysis.			N/A	10.000														



Traceability tools & devices to measure engine power.			1600	8.000													
Pilot projects (incl. CCTV from 2011 on).			N/A	2.000													
Automatic localisation devices Vessel Monitoring Systems /Automatic Identification Systems (VMS/IAS).			3000	3.800													
Electronic logbooks aboard vessels.			3300	7.400													
Fisheries Monitoring Centre (FMC) upgrades.			22	11.400													
Investment in control equipment (i.a. patrol vessels and aircraft).			N/A	3.700													
Training courses and exchange programmes for control staff.			30	0.600													
Seminars aimed to raise awareness of the need to implement the CFP rules.			5	0.530													

Sub-total for specific objective N°3			47.430														
SPECIFIC OBJECTIVE No 4...		Audit the control and inspection activities in Member States															
Monitoring of control activities by Member States			250	0.800													
-Missions controlling the application of CFP rules																	
- Equipment of inspectors																	
Facilitate the implementation of the CFP rules			30	0.400													
- Meetings of the Fisheries Control Experts group devoted to the issues relating to fisheries control																	
- Studies																	
IT hardware, software and support for control (data, cross-checking of data, maintenance, data base access, etc)			N/A	1.100													
Sub-total for specific objective N°4			2.300														
SPECIFIC OBJECTIVE No 5...		Contribute to better coordination to Member States' control activities by means of the Community Fisheries Control Agency															
Staff in active			N/A	5.634													

employment																		
Other staff-related expenditure			N/A	0.440														
Administrative expenditure			N/A	1.320														
Capacity building			N/A	0.720														
Operational coordination (includes Joint Deployment Plans)			N/A	1.010														
Sub-total for specific objective N°5				9.124														
<b>TOTAL COST</b>				69.754														

### 3.2.3. Estimated impact on appropriations of an administrative nature

#### 3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of administrative appropriations
- ☒ The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to 3 decimal places)

	2013 <sup>53</sup>	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
--	--------------------	-------------	-------------	-------------	-----------------------------------------------------------------------------------------------	-------

<b>HEADING 5 of the multiannual financial framework</b>								
Human resources	9.404							
Other administrative expenditure	0.210							
<b>Subtotal HEADING 5 of the multiannual financial framework</b>	9.614							

<b>Outside HEADING 5<sup>54</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 5 of the multiannual financial framework</b>								

<b>TOTAL</b>	<b>9.614</b>							
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<sup>53</sup>

Year N is the year in which implementation of the proposal/initiative starts.

<sup>54</sup>

Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

### 3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources
- ☒ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full amounts (or at most to one decimal place)*

	2013	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)		
<b>• Establishment plan posts (officials and temporary agents)</b>							
11 01 01 01 (Headquarters and Commission's Representation Offices)	66						
11 01 01 02 (Delegations)	0						
11 01 05 01 (Indirect research)	0						
10 01 05 01 (Direct research)	0						
<b>• External personnel (in Full Time Equivalent unit: FTE)<sup>55</sup></b>							
11 01 02 01 (CA, INT, SNE from the "global envelope")	14						
11 01 02 02 (CA, INT, JED, LA and SNE in the delegations)	0						
<b>11 01 04 yy</b> <sup>56</sup>	- at Headquarters <sup>57</sup>	0					
	- in delegations	0					
<b>11 01 05 02</b> (CA, INT, SNE - Indirect research)	0						
10 01 05 02 (CA, INT, SNE - Direct research)	0						
Other budget lines (specify)	0						
<b>TOTAL</b>	<b>80</b>						

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary

<sup>55</sup> CA= Contract Agent; INT= agency staff ("Intérimaire"); JED= "Jeune Expert en Délégation" (Young Experts in Delegations); LA= Local Agent; SNE= Seconded National Expert;  
<sup>56</sup> Under the ceiling for external personnel from operational appropriations (former "BA" lines).  
<sup>57</sup> Essentially for Structural Funds, European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF).

with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary agents	managing the operational appropriations and the operational activities mentioned above in 2013
External personnel	managing the operational appropriations and the operational activities mentioned above in 2013

### 3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ Proposal/initiative is compatible the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>58</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. *Third-party contributions*

- ☒ The proposal/initiative does not provide for co-financing by third parties
- ☐ The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

	Year N	Year N+1	Year N+2	Year N+3	... enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations cofinanced								

<sup>58</sup> See points 19 and 24 of the Interinstitutional Agreement.

3.3. Estimated impact on revenue

- ☒ Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to 3 decimal places)

Budget revenue line:	Appropriations available for the ongoing budget year	Impact of the proposal/initiative <sup>59</sup>						
		Year N	Year N+1	Year N+2	Year N+3	... insert as many columns as necessary in order to reflect the duration of the impact (see point 1.6)		
Article .....								

For miscellaneous assigned revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

<sup>59</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25% for collection costs.