

COUNTRY NOTE ON NATIONAL FISHERIES MANAGEMENT SYSTEMS EUROPEAN UNION

1. A short introduction to the fisheries sector

Production level, production structure, estimated contribution to GDP, number of fishers, fishing firms

1. To be completed by Member States as well as a description of the management regime

2.1. The main objectives of the Common Fisheries Policy (CFP)

2. The Common Fisheries Policy (CFP) covers the conservation, the management and the exploitation of living aquatic resources, the aquaculture, and the processing and marketing of fishery and aquaculture products where such activities are practised on the territory of Member States or in Community waters or by Community fishing vessels or, without prejudice to the primary responsibility of the flag State, nationals of Member States.

3. Therefore, the Common Fisheries Policy provides for coherent measures concerning:

1. conservation, management and exploitation of living aquatic resources,
2. limitation of the environmental impact of fishing,
3. conditions of access to waters and resources,
4. structural policy and the management of the fleet capacity,
5. control and enforcement,
6. aquaculture,
7. common organisation of the markets, and
8. international relations.

4. The main objectives of the CFP are:

- a) to ensure the exploitation of living aquatic resources that provide sustainable economic, environmental and social conditions.

For this purpose, the European Community shall apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine ecosystems. It shall aim at a progressive implementation of an eco-system-based approach to fisheries management. It shall aim to contribute to efficient fishing activities within an economically viable and competitive fisheries and aquaculture industry, providing a fair standard of living for those who depend on fishing activities and taking into account the interests of consumers.

- b) to be guided by the following principles of good governance:

- a clear definition of responsibilities at the European Community, at national and local levels;

- a decision-making process based on sound scientific advice which delivers timely results;
- a broad involvement of stakeholders at all stages of the policy from conception to implementation;
- consistence with other European Community policies, in particular with environmental, social, regional, development, health and consumer protection policies.

2.2. The institutional set-up

a. The legal framework

5. Some elements in the former Common Fisheries Policy had to be reviewed by 31 December 2002, therefore after a consultation process with the stakeholders, the European Commission presented a proposal to reform the CFP.

6. In December 2002, after discussions between Member States, the European Parliament and the European Commission, the Council agreed on a preliminary package of reform measures. This reform of the CFP is inscribed in the Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

b. European Community, Member States and regional responsibilities

7. The Treaty establishing the European Community, and in particular Article 37, entails that the European Community exercises its exclusive competence in conservation, management and exploitation of living aquatic resources, the aquaculture, and the processing and marketing of fishery and aquaculture products.

8. Member States are responsible for the implementation of the Common Fisheries Policy on their territory and in their waters and also by the vessels flying their flags operating outside Community waters.

9. The European Commission must evaluate and control the application of the rules of the Common Fisheries Policy by the Member States.

10. At regional level, the Council shall decide on the establishment of a Regional Advisory Council (RAC). A Regional Advisory Council shall cover sea areas falling under the jurisdiction of at least two Member States. A RAC will, in particular, advise the European Commission on matters of fisheries management in respect of certain sea areas or fishing zones. RACs shall be composed principally of fishermen and other representatives of interests affected by the Common Fisheries Policy, such as representatives of the fisheries and aquaculture sectors, environment and consumer interests and scientific experts from all Member States having fisheries interests in the sea area or fishing zone concerned. Representatives of national and regional administrations having fisheries interests in the sea area or fishing zone concerned shall have the right to participate in the Regional Advisory Councils as members or observers.

c. The scientific community and fishing industry participation

11. A Scientific, Technical and Economic Committee for Fisheries (STECF) is consulted at regular intervals on matters pertaining to the conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations. The European Commission takes into account the advice from the STECF when presenting proposals on fisheries management under the Common Fisheries Policy.

12. Consultation between the European Commission and the fisheries sector takes place regularly with representatives of various branches of the industry and stakeholders within the framework of the Advisory Committee on Fisheries and Aquaculture (ACFA).

2.3. The management instruments

a. TACs and quota

13. Annually, the Council, acting by qualified majority on a proposal from the European Commission, decides on catch and/or fishing effort limits and on the allocation of fishing opportunities among Member States as well as the conditions associated with those limits. Fishing opportunities are distributed among Member States in such a way as to assure relative stability of fishing activities for each stock or fishery for each Member State.

14. When the European Community establishes new fishing opportunities the Council shall decide on the allocation for those opportunities, taking into account the interests of each Member State.

15. Each Member State decides, for vessels flying its flag, on the method of allocating the fishing opportunities assigned to that Member State in accordance with Community law. It informs the European Commission of the allocation method.

16. The Council establishes the fishing opportunities available to third countries in Community waters and allocate those opportunities to each third country.

17. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

b. Other conservation measures

18. The new Common Fisheries Policy has adopted a long-term approach to fisheries management. From 2003, long-term plans setting objectives for specific stocks will be gradually established: recovery plans, to help rebuild stocks that are in danger of collapse, and management plans, to maintain stocks at safe biological levels.

The recovery plans

19. The Council shall adopt, as a priority, recovery plans for fisheries exploiting stocks which are outside safe biological limits. The objective of recovery plans shall be to ensure the recovery of stocks to within safe biological limits. They shall include conservation reference points such as targets against which the recovery of the stocks to within safe biological limits shall be assessed. Targets shall be expressed in terms of:

1. population size and/or
2. long-term yields and/or
3. fishing mortality rate and/or
4. constant number of catches.

20. Recovery plans may include targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine eco-systems. Where more than one target is set, recovery plans shall specify the order of priority of these targets. These plans shall be drawn up on the basis of the precautionary approach to fisheries management and take account of limit reference points recommended by relevant scientific bodies. They shall ensure the sustainable exploitation of stocks and

that the impact of fishing activities on marine eco-systems is kept at sustainable levels. They may cover either fisheries for single stocks or fisheries exploiting a mixture of stocks, and shall take due account of interactions between stocks and fisheries. The recovery plans shall be multi-annual and indicate the expected time frame for reaching the targets established.

The management plans

21. The Council shall adopt management plans as far as necessary to maintain stocks within safe biological limits for fisheries exploiting stocks at/or within safe biological limits. Management plans shall include conservation reference points such as targets against which the maintenance of stocks within such limits shall be assessed. Management plans may include targets relating to other living aquatic resources and the maintenance or improvement of the conservation status of marine eco-systems. Where more than one target is set, management plans shall specify the order of priority of these targets. Management plans shall be drawn up on the basis of the precautionary approach to fisheries management and take account of limit reference points recommended by relevant scientific bodies. They shall ensure the sustainable exploitation of stocks and that the impact of fishing activities on marine eco-systems is kept at sustainable levels. They may cover either fisheries for single stocks or fisheries exploiting a mixture of stocks, and shall take due account of interactions between stocks and fisheries. The management plans shall be multi-annual and indicate the expected time frame for reaching the targets established.

22. The measures to be included in the management plans shall be proportionate to the objectives, the targets and the expected time frame, and shall be decided by the Council having regard to:

1. the conservation status of the stock or stocks;
2. the biological characteristics of the stock or stocks;
3. the characteristics of the fisheries in which the stocks are caught;
4. the economic impact of the measures on the fisheries concerned.

Other types of measures

23. To achieve a sustainable exploitation of living aquatic resources, the European Community also includes measures for each stock or group of stocks to limit fishing mortality and the environmental impact of fishing activities by:

1. establishing targets for the sustainable exploitation of stocks;
2. limiting catches;
3. fixing the number and type of fishing vessels authorised to fish;
4. limiting fishing effort;
5. adopting technical measures, including:
 - i. measures regarding the structure of fishing gear, the number and size of fishing gear on board, their methods of use and the composition of catches that may be retained on board when fishing with such gear;
 - ii. zones and/or periods in which fishing activities are prohibited or restricted including for the protection of spawning and nursery areas;
 - iii. minimum size of individuals that may be retained on board and/or landed;
 - iv. specific measures to reduce the impact of fishing activities on marine eco-systems and non target species;
6. establishing incentives, including those of an economic nature, to promote more selective or low impact fishing;

7. conducting pilot projects on alternative types of fishing management techniques.

c. The fleet management policy

24. The reform of the Common Fisheries Policy has simplified the fleet management policy by giving to Member States more responsibility in ensuring a balance between their fishing capacity and their fishing opportunities.

25. Under the new entry/exit scheme, Member States shall manage entries into the fleet and exits from the fleet in such a way that, from 1 January 2003:

1. the entry of new capacity into the fleet without public aid is compensated by the previous withdrawal without public aid of at least the same amount of capacity,
2. the entry of new capacity into the fleet with public aid granted after 1 January 2003 is compensated by the previous withdrawal without public aid of:
 - a) at least the same amount of capacity, for the entry of new vessels equal or less than 100 GT, or
 - b) at least 1.35 times that amount of capacity, for the entry of new vessels of more than 100 GT.

26. From 1 January 2003 until 31 December 2004 each Member State which chooses to enter into new public aid commitments for fleet renewal after 31 December 2002 shall achieve a reduction in the overall capacity of its fleet of 3 %.

d. Common Organisation of the Market (COM) in Fishery and Aquaculture products

27. In 2000, the Common Organisation of the Market was revised to take account of market developments (Council regulation (EC) N° 104/2000). The market organisation contributes towards CFP's general objective of seeking to guarantee sustainable fisheries and secure the future of the fisheries sector. Price stability, an optimal balance between supply and demand and preference for European Community production without damaging the growing demands of the processing industry have been the key goals of the Common Organisation of the Markets. To achieve these aims, the main instruments have been:

1. establishing common marketing standards. These standards should tend to keep products of unsatisfactory quality off the market and facilitate commerce based on fair competition.
2. setting up producer organisations. These are fundamental since through them the industry itself seeks to organise and stabilise the market.
3. introducing a price support system based on interventions mechanisms; To ensure a minimum revenue for fishermen, producer organisations may take fish and sellfish products off the market when prices fall below the withdrawal price. There are five types of intervention mechanisms: the withdrawal, the carry-over operations, the independent withdrawals and carry-over by producer organisations, the private storage and the compensatory allowance for producers of tuna delivered to the processing industry.
4. constructing a trade regime with non-member countries. To ensure adequate supply to the European Community market of raw material intended for the processing industries, the tariff duties for certain products shall be totally or partially suspended autonomously for an indefinite period in accordance with the Annex VI of the Council regulation (EC) N° 104/2000.

3. A description of the main fisheries where above market-like instruments/incentives are in use, with respect to their biological, technical, economic and social characteristics

28. Completed by Member States – if any market-like instrument in use.