

The CFP External dimension in the European Parliament report on the basic regulation

February 7, 2013

The European parliament voted on February 6th 2013 on its report concerning the future CFP legislation (the 'basic regulation'). The report was adopted last month by the European Parliament Fisheries Committee¹, and proposed a serie of amendments to the EC proposal, which were all adopted. Other amendments were also proposed in the Plenary. The final adopted text is not available yet

The final report was supported by an important majority of parliamentarians (502 in favor; 137 against – a qualified majority is 377). This means that the Parliament is in a relatively strong position to now go and discuss with the Council and EC to get a final agreement about what the future fisheries policy will look like.

The Parliament final report includes the following elements that will affect the future EU-ACP fisheries relations:

As a general principle, there should be parity between the internal and external dimension of the Common Fisheries Policy, such that standards and enforcement mechanisms applied within the Union are also applied externally, when applicable.

On Sustainable Fishing Agreements (SFAs)

- SFAs should ensure that Union fishing activities in third country waters are based on the best available scientific advice, ensuring a sustainable exploitation and the conservation of the marine biological resources, while respecting the principle of surplus referred to in article 62 (2) of UNCLOS. This surplus shall be identified, in a clear and transparent manner, 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 by all fleets, in order to ensure that fishery resources remain above levels capable of producing maximum sustainable yield.
- SFAs mean international agreements concluded with another state for the purpose of obtaining access to resources or waters in order to sustainably exploit a share of the surplus of marine biological resources, commensurate with the EU fleets' interest, in exchange for financial compensation from the Union, which goes to support the local fishing sector, with a particular emphasis on scientific data collection, monitoring and control

¹ See Fisheries Committee report on <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0008&language=EN>

- SFAs shall establish a legal, economic and environmental governance framework which shall include:
 - a requirement to comply with the principle of surplus in accordance with the provisions of UNCLOS;
 - a clause prohibiting the granting of more favorable conditions to the other foreign fleets;
 - a conditionality clause, that makes the agreement conditional on respect of human rights
 - an exclusivity clause.
- On the exclusivity clause, it further underlines that SFAs shall ensure that Union fishing vessels are able to operate in the waters of the third country with which an agreement has been concluded only if they are in possession of a fishing authorisation, which has been issued in accordance with a procedure agreed by both parties to the agreement.

Activities outside SFAs/RFMOs

- A new article is introduced on ‘Union fishing activities outside Sustainable Fisheries Agreements’, which highlights that ‘Member States shall obtain information on any arrangements between nationals of a Member State and a third country that allow fishing vessels flying their flag to engage in fishing activities in waters under the jurisdiction or sovereignty of a third country, as well as details of the vessels concerned and their relevant activities. The Member State shall inform the Commission’.
- Effort shall be made at Union level to monitor the activities of Union fishing vessels that operate in non-Union waters outside the framework of sustainable fisheries agreements. Such vessels should respect the same guiding principles that are applied to those vessels fishing in the Union.
- Union flagged vessels which have temporarily withdrawn from the register of a Member State in order to seek fishing opportunities elsewhere shall, for a period of 24 months, not be allowed to benefit from fishing opportunities under a Sustainable Fisheries Agreement or the protocols in force at the time when they left the register.
- Sustainable Fisheries Agreements shall provide that fishing authorisations of any kind shall only be granted to new fishing vessels and those previously flagged in the Union for at least 24 months preceding the request for a fishing authorisation and wishing to target species covered by the Sustainable Fisheries Agreement.

On Transparency, accountability, participation

- All actions taken by the EU and by Member States under the CFP shall be in full compliance with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.
- The Common Fisheries Policy shall apply the following principles of good governance:
 - (...)
 - the appropriate involvement of stakeholders, in particular of Advisory Councils and social partners, at all stages - from conception to implementation - of the measures, that ensures that regional special characteristics are preserved, through a regionalised approach;

- Transparent data-handling and decision-making in accordance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters (‘the Aarhus Convention’).
- Independent evaluations shall be conducted of the impact of each SFA protocol before the Commission is given a mandate for negotiations for succeeding protocols and shall include information on catches and fishing activities. Such evaluations shall be made publically available.
- SFAs should establish the governance framework (...), including transparency, participation and accountability mechanisms and other capacity building items pertaining to the development of a sustainable fisheries policy driven by the third country. SFAs financial assistance shall be conditional upon the achievement of specific socio-economic and environmental results and shall be complementary to and consistent with the development projects and programmes implemented in the third country in question.

On RFMOS

- The Union shall
 - actively support, promote and contribute to the development of the best available scientific knowledge;
 - promote measures to ensure that fishery resources are maintained above MSY;
 - promote the establishment and strengthening of RFMO compliance committees, periodical independent performance reviews and appropriate remedial actions, including dissuasive and effective penalties, which need to be applied in a transparent and non-discriminatory fashion;
 - improve the policy coherence of Union initiatives, with particular regard to environmental, development and trade activities;
 - promote and support, in all international spheres, the necessary action to eradicate illegal, unreported and unregulated (IUU) fishing, ensuring, to this end, that no IUU fisheries products enter the Union market, thereby contributing to sustainable fishing activities that are economically viable and that promote employment within the Union;
 - promote the effective implementation of international fisheries instruments and regulations;
 - ensure that fishing activities outside Union waters are based on the same principles and standards as those applicable in Union waters, while promoting the application by the RFMOs of the same principles and standards as are applied in Union waters.
- The Union shall actively support the development of equitable and transparent allocation mechanisms of fishing opportunities.

On Markets

- There is a need to create a level playing field on the Union market, not just as regards the sustainability of fisheries, but also as regards health checks; the Common Market Organisation for fishery and aquaculture products should ensure a level-playing field for all fishing and aquaculture products marketed, whether these products originate in the Union or in third countries.
- The Chapter on the Common Organisation of the Markets should include provisions making imports of fisheries and aquaculture products, subject to compliance with internationally recognised social and environmental standards.

On Aquaculture

- Preference should be given in aquaculture to non-carnivorous species, in order to reduce reliance of aquaculture on fish meal and fish oil (which comes from fishing)

On by-catch and discards

- Priority should be for the avoidance, minimisation and elimination of unwanted catches in a fishery.
- 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. For vessels fishing outside EU waters, such discard ban should be implemented by January 1st 2017

On fishing capacity

- The Commission should undertake fleet assessments in order to obtain credible results concerning the precise level of overcapacity at Union level, thus making it possible to propose appropriate and targeted instruments for its reduction.
- A new definition of capacity should be elaborated, taking into account social and economic criteria as well as control efforts undertaken by Member States.
- the fleet capacity of each Member State shall be broken down by fleet segments, including a specific breakdown for vessels operating in the outermost regions and for vessels operating exclusively outside Union waters.
- If no capacity assessment is provided, if a Member State fails to adopt proposed capacity reducing measures, this will result in the interruption of Union financial assistance to that Member States under the Common Fisheries Policy.

On Transferable Fishing Concessions/Access

- The whole chapter on compulsory TFCs is deleted
- Rather, Access to the fishery should be based on transparent and objective environmental and social criteria as a means of promoting responsible fishing which would serve to ensure that those operators who fish in the least environmentally damaging way and provide the greatest benefits for society are encouraged.
- Priority access should be given to small scale fisheries

For more information

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