**Annex I - CFFA preliminary proposals for amendments**

**On Access to resources**

**Article 3**Specific objectives

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

(b) provide conditions for **environmentally and socially sustainable** fishing activities, **based on equitable and transparent criteria, to restore** an economically viable and competitive fishing industry;

Justification:

In order for the CFP to achieve environmentally and socially sustainable exploitation of marine resources in the long-term, and therefore an economically viable sector, preferential access should be granted to those whose activities meet predetermined environmental and social criteria such as selectivity, energy consumption, employment and working conditions provided quality of product, history of compliance.

**On Transparency**

**Article 4**

*General objectives*

Addition, under

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

**(g) Transparency and access to information in accordance with the Aarhus Convention, including the external dimension.**

**On Access to resources**

**Article 27**

*Establishment of systems of transferable fishing concessions*

1. Each Member State **may** establish a system of transferable fishing concessions. **Such a scheme shall only apply to Union waters.**

Justification:

The TFC system presented as a capacity management tool is essentially an allocation system, which may or may not result in fishing capacity reduction or management, and, if so, only in a quantitative, not qualitative manner. Those Member States wishing to establish or maintain a system of transferable fishing concessions, may do so, but it should not be compulsory and should be based on equitable and transparent environmental and social criteria as described above (see amendment to Article 3).

Such a system should not apply beyond Union waters. The proposal currently only exclude waters of third countries with which the EU has bilateral fisheries agreements, which allows the transfer to EU companies of fishing opportunities obtained on the high seas in the framework on RFMOs or in third countries’ waters where the EU does not have bilateral fisheries agreements. Considering that allocation schemes are being considered in certain RFMOs which would allow the temporary or even permanent transfer of quotas between Contracting Parties’, the combination of the proposed EU system with such allocation schemes could result in the de-facto privatisation of developing countries marine resources.

**Article 28**

*Allocation of fishing concessions*

2. Each Member State shall allocate fishing concessions on the basis of **equitable and transparent environmental and social** criteria for each stock or group of stocks for which fishing opportunities are allocated in accordance with Article 16, excluding fishing opportunities obtained **outside Union waters.**

Justification:

In order for the CFP to achieve environmentally and socially sustainable exploitation of marine resources in the long-term, preferential access should be granted to those operators whose activities meet predetermined environmental and social criteria. Access should be allocated to those specific vessel operators and not be transferable.

Such a system should not apply beyond Union waters. The proposal currently only exclude waters of third countries with which the EU has bilateral fisheries agreements, which leaves open to transfer to EU companies fishing opportunities obtained in the framework on RFMOs or with third countries where the EU does not have bilateral fisheries agreements.

**Article 41**

*Principles and objectives of Fisheries Partnership Agreements*

New 2 (b)

**In order to allow for the identification of surplus of the allowable catch referred to under paragraph 3, Fisheries Partnership Agreements shall provide for transparency and exchange of all relevant information between the EU and the third country about the total fishing effort on the concerned stocks by national and where appropriate foreign vessels.**

Justification:

Under UNCLOS, the EU is allowed to claim access to the surplus of allowable catches (Art 62.2). In many cases, it is difficult if not impossible to quantify the surplus accessible to the EU because of lack of data, transparency, etc. EU bilateral fisheries agreements must provide the conditions to ensure that EU fishing activities do not result in overfishing.

New:

**4. Fisheries Partnership Agreements shall provide that EU fishing vessels can only operate in the waters of the third country with which an agreement has been concluded 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.**

Justification:

The so-called “exclusivity clause” was introduced in the last reform, and specifies that an EU vessel can only fish in the waters of a third country with which the EU has a bilateral fisheries agreement only if it operates under the terms of that agreement. This ensures that there are certain minimum terms and conditions, and degree of compliance, for the entire EU fleet. Without the exclusivity clause, shipowners could enter into private agreements with those third countries, over which the EU or even the flag Member State has no control or information. So, for instance, an EU vessel could fish under the EU FPA, benefiting from the EU financial support, until its quota is exhausted, then switch to a private agreement and keep on fishing, often under less stringent conditions.

**5. Fisheries Partnership Agreements shall provide that fishing authorisations of any kind shall not be granted to fishing vessels previously flagged in the EU in the 24 months preceding the request for a fishing authorisation and wishing to target species covered by the Fisheries Partnership Agreement.**

Justification:

Numerous cases have been recorded where EU flagged vessels change flag after having exhausted their fishing opportunities under an FPA in order to continue fishing under a private agreement, often under less stringent conditions, and with no possibility of control by the EU or even the Member State of beneficial ownership, which undermines measures to fish sustainably and prevent overexploitation of developing countries’ resources.

**Article 42**

*Financial assistance*

Art 42.1

The EU shall provide financial assistance to third countries through Fisheries Partnership Agreements in order to:

(b) establish the governance framework, including the development and maintenance of the necessary scientific and research institutions, monitoring, control and surveillance capability*,* **transparency, participation and accountability mechanisms** 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.

New:

**(c) subject to an open and accountable review mechanism, including publically available financial audits and independent evaluations on the outcomes of financial assistance commissioned by the BU.**

**Article 50**

*Conditions for financial assistance towards Member States*

New:

**3. transparent and accountable and the Union will ensure that detailed and timely information on the objectives and administration of financial assistance, including relevant budgets and evaluations, will be publically available.”**