

**BASIC REGULATION ON THE CFP - FINAL COMPROMISE TEXT**

(as endorsed by the Coreper meeting of 14 June and submitted for consideration to the  
PECH meeting of 18 June)

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,

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

Having regard to the opinion of the European and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Council Regulation (EC) No 2371/2002<sup>3</sup> established a Community system for the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy.

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<sup>1</sup> OJ C 181, 21.6.2012, p.183.

<sup>2</sup> OJ C 225, 27.7.2012, p.20.

<sup>3</sup> OJ L 358, 31.12.2002, p. 59

- (2) The scope of the Common Fisheries Policy **includes the** conservation **of** marine biological resources **and the management of fisheries targeting them**. In addition **, it includes**, in relation to market measures and financial measures in support of its objectives to fresh water biological resources and aquaculture **activities**, 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.
- (2a) **Recreational fisheries can have a significant impact on fish resources and Member States should ensure that they are conducted in a manner compatible with the objectives of the CFP.**
- (3) The Common Fisheries Policy should ensure that fishing and aquaculture activities contribute to long-term environmental, economic, and social **sustainability**. It should **include rules that aim to ensure the traceability, security and quality of products marketed in the Union and should contribute** to increased productivity, a fair standard of living for the fisheries sector **including small scale fisheries**, stable markets, ensure the availability of resources and that supplies reach consumers at reasonable prices. **The Common Fisheries Policy should contribute to the Europe 2020 Strategy for smart, sustainable and inclusive growth, and help achieve the objectives set out in that strategy**<sup>4</sup>.

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<sup>4</sup> COM(2010) 2020 final

- (4) The Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982 (*Unclos*)<sup>5</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>6</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>7</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, *therefore*, contribute to the Union's **implementation** 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.

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<sup>5</sup> OJ L 179, 23.6.1998, p. 1.

<sup>6</sup> OJ L 189, 3.7.1998, p. 14.

<sup>7</sup> OJ L 177, 16.7.1996, p. 24.

- (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 **the exploitation of marine biological resources restores and maintains** populations of harvested stocks ***within a reasonable timeframe above levels that can produce the maximum sustainable yield. The exploitation rates should be achieved by 2015. Achieving those exploitation rates by a later date should be allowed only if achieving them by 2015 would seriously jeopardise the social and economic sustainability of the fishing fleets involved. Those rates should be achieved as soon after 2015 as possible and under no circumstances later than 2020.*** Where scientific information is **insufficient to determine this level, approximative parameters may be considered.**
- (5e) ***Management decisions relating to maximum sustainable yield in mixed fisheries should take into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield at the same time, in particular in cases where scientific advice indicates that it is very difficult to avoid the phenomenon of "choke species" by increasing the selectivity of the fishing gears used. Appropriate scientific bodies should be requested to provide advice on the appropriate fishing mortality levels in such circumstances.***
- (6) ***The Common Fisheries Policy should ensure coherence with the fisheries targets 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>8</sup>, and with the biodiversity targets adopted by the European Council<sup>9</sup>.***
- (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 ***on the Functioning of the European Union (TFEU), taking into account available scientific data.***

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<sup>8</sup> COP Decision X/2

<sup>9</sup> EU CO 7/10 of 26 March 2010.

- (8) The Common Fisheries Policy should contribute to the protection of the marine environment, ***to the sustainable management of all commercially exploited species***, 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>10</sup>.
- (8a) The Common Fisheries Policy should also contribute to supplying the Union market with highly nutritional food, and to reducing the internal market's food dependence, as well as to direct and indirect job creation and economic development in coastal areas.***
- (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 ***avoided and reduced as far as possible.***
- (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, ***regional***, national ***and*** local levels and on the mutual compatibility ***of*** the measures taken ***and their consistency*** with other Union policies.
- (10a) The Common Fisheries Policy should contribute to the improvement of safety and working conditions for fishing operators.***
- (11) The Common Fisheries Policy should pay full regard, where relevant, to animal health, animal welfare, food and feed safety.

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<sup>10</sup> OJ L 164, 25.6.2008, p. 19.

- (12) The Common Fisheries Policy should **be implemented in a way that is generally consistent with other Union policies and, in particular, that takes** into account interactions with **Union action in** other maritime **policy areas, recognising** that all matters related to Europe's oceans and seas are interlinked . Coherence 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. **Member States should endeavour to give preferential access for small scale, artisanal or coastal fishermen.**
- (14a) Small offshore islands which are dependent on fishing should, where appropriate, be especially recognised and supported in order to enable them to survive and prosper in the future.**
- (15) Marine biological resources around the **Union outermost regions referred to in Article 349(1) of the Treaty** should be especially protected since they contribute to the preservation of the local economy of these **territories**, having regard to their structural, social and economic situation . **Certain** fishing activities in those waters **should therefore be limited** to fishing vessels registered in the ports of **these territories**.

- (15a) *In order to contribute to the conservation of living aquatic resources and marine ecosystems, the Union should endeavour to protect areas that are biologically sensitive, by designating them as protected areas, in which it should be possible to restrict or prohibit fishing activities. When deciding which areas to designate, particular attention should be paid to those in which there is clear evidence of heavy concentrations of fish below minimum conservation size and spawning ground, and to areas which are deemed to be bio-geographically sensitive. Account should also be taken of existing conservation areas. In order to facilitate the designation process, Member States should identify suitable areas, including areas that form part of a coherent network, and, where appropriate, they should cooperate with one another, preparing and sending joint recommendations to the Commission. In order to establish protected areas more effectively, the Commission should be able to establish them as part of a multiannual plan and, in order to ensure a suitable level of democratic accountability and control, the Commission should regularly report to the European Parliament and to the Council on the functioning of those protected areas.*
- (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 **framework** for the sustainable exploitation of stocks and marine ecosystems concerned, defining clear timeframes and safeguard mechanisms for unforeseen developments. *Multiannual plans should also be governed by clearly defined management objectives in order to contribute to the sustainable exploitation of the stocks and to the protection of the marine ecosystems concerned. These plans should be adopted in consultation with Advisory Councils, operators in the fishing industry, scientists and other stakeholders having an interest in fisheries management.*



(17a) **█ Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds<sup>11</sup>, █ Council Directive 92/43 of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora<sup>12</sup> █ and Directive 2008/56 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>13</sup> impose certain obligations on the Member States as regards special protection areas, special areas of conservation and marine protected areas, respectively. Such measures might require adoption of measures falling under the Common Fisheries Policy. It is, therefore, appropriate to authorise the Member States to adopt, in the waters under their sovereignty or jurisdiction, such conservation measures that are necessary to comply with their obligations under these Union acts where such measures do not affect fisheries interests of other Member States. Where such measures might affect fisheries interests of other Member States, the power to adopt such measure should be granted to the Commission and a recourse should be made to regional cooperation among the Member States concerned.**

(18) Measures are needed to reduce **█** the current high levels of unwanted catches and **gradually eliminate** 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 **█ species which are subject to catch limits and, in the Mediterranean Sea, also catches subject to minimum landing sizes, made █** during fishing activities in Union waters or by Union fishing vessels should be established and gradually implemented, **accompanied by the dismantling of rules that have so far obliged fishermen to discard.**

(18a) **The obligation to land all catches should be introduced on a fisheries-by-fisheries base. Fishermen should be allowed to continue discarding species which, according to the best available scientific advice, have a high survival rate when released into the sea.**

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<sup>11</sup> OJ L 103, 25.04.1979, p. 1.

<sup>12</sup> OJ L 206, 22.07.1992, p. 7.

<sup>13</sup> OJ L 164, 25.06.2008, p. 19

- (18b)** *In order to make the obligation to land all catches workable and to mitigate the effect of varying yearly catch compositions, Member States should be allowed to transfer quotas between years, up to a certain percentage.*
- (19)** *Within the management of the landing obligation, Member States must do their utmost to reduce unwanted catches █. To this end, improvements of selective fishing techniques to avoid and reduce, as far as possible, unwanted catches must have a high priority. It is important that Member States distribute quotas between vessels in a mix reflecting as much as possible the expected composition of species in the fisheries. Mismatch between available quotas and actual fishing pattern could be adjusted through quota swaps with other Member States, including on a permanent basis. Member States could also consider facilitating vessel owners' pooling of individual quotas for example in producer organisations or in groups of vessel owners. An ultimate option should consist in counting by-catch species against the quota of the target species, depending on the conservation status of the by-catch species.*
- (19a)** *The destination of landings of catches of fish under the minimum conservation reference size █ should be limited and exclude sale for human consumption.*
- (20)** *To cater for unwanted catches that are unavoidable even when applying all the measures for their reduction, certain de minimis exemptions from the landing obligation should be established for the fisheries to which the landing obligation applies, primarily through multiannual plans.*
- (20a)** *Subject to scientific advice and without jeopardising the objectives of MSY and without increasing fishing mortality, when a landing obligation including documentation of catches is in operation, an increase of related fishing opportunities is foreseen, to take into account that fish previously discarded will be landed.*
- (20b)** *Access to a fishery should be based on transparent and objective criteria including those of an environmental, social and economic nature. Member States should promote responsible fishing by providing incentives to those operators who fish in the least environmentally damaging way and provide the greatest benefits for society.*

- (21) For stocks for which no multi-annual plan has been established, exploitation rates delivering maximum sustainable yield should be ensured by setting catch ■ or fishing effort limits. *If insufficient data is available, fisheries should be managed by using proxy standards.*
- (22) In view of the precarious economic state of the fishing industry and the dependence of certain coastal communities on fishing ■, it is necessary to ensure the relative stability of fishing activities by allocating fishing opportunities among Member States, based on a predictable share of *the* stocks for each Member State.
- (23) Such relative stability of fishing activities, given the temporary biological situation of stocks, should safeguard *and take full account of* 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 with effect from 1 January 1977, and in particular Annex VII thereto.
- (23a)** Therefore, it is in this sense that the concept of relative stability aimed at should be understood.
- (25) The Commission should be ■ *authorised* 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. *These measures should be established within defined timescales and should be operational for a fixed period of time.*
- (25a)** *Member States should cooperate regionally in order to adopt joint recommendations and other instruments for the development and implementation of conservation measures and measures affecting fishing activity in areas protected under environmental law. In the framework of regional cooperation, the Commission should only adopt conservation measures through implementing acts or delegated acts where all Member States concerned in a region agree on a joint recommendation. In the absence of a joint recommendation, the Commission should submit a proposal for the relevant measures using the applicable Treaty procedure.*

- (26) ***Member States should be empowered to adopt conservation and management measures for stocks in Union waters applicable solely to Union fishing vessels flying their flag.***
- (27) In their 12 nautical mile zone, Member States should be ***empowered*** 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 Member States ***concerned*** has taken place and that the Union has not adopted measures specifically addressing conservation and management within that 12 nautical mile zone.
- (28) █ [Replaced by recital (26)]
- (29) █ [ Replaced by recital (20c)]
- (30) █
- (31) ***Member States may introduce a system of transferable fishing concessions.***
- (32) ***Member States should take specific measures █ to align the number of Union fishing vessels with available resources █ , based on their assessments of the balance between the fishing capacity of their vessels and the fishing opportunities available to them. The assessments should be made in accordance with Commission guidelines. The resulting annual reports should be made public. Each Member State should be able to choose the measures and instruments which it wishes to adopt in order to reduce excessive fishing capacity***
- (32a) ***In addition, compulsory maximum fleet capacity ceilings and █ national entry/exit schemes in relation to decommissioning funding █ should be maintained for the purpose of management and adjustment of fishing capacity.***
- (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. Member States should manage and make ***the collected data*** available to end-users of scientific-data ■ ***and to other interested parties***. Member States should also cooperate with each other and ***with the Commission*** to coordinate data collection activities. Where relevant, Member States should also cooperate with third countries ■ regarding data collection. ***Member States should provide the Commission, for its assessment, with an annual report on their data collection activities, which shall be made public.***
- (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) ■ [merged with recital 34]
- (36a) ***The Scientific, Technical and Economic Committee for Fisheries (STECF) as established by Commission Decision of 19 November 1993 (93/619/EC) may be consulted on matters pertaining to the conservation and management of marine biological resources, to ensure the required assistance of highly qualified scientific personnel, particularly in the application of biological, economic, environmental, social and technical disciplines.***
- (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 ■ ***within*** Union research and innovation frameworks ■ ***and better cooperation between industry and scientists should be fostered.***

- (38) The Union should promote the objectives of the Common Fisheries Policy internationally, ***ensuring that Union fishing activities outside Union waters are based on the same principles and standards as applicable Union law, and promoting a level playing field for EU operators and third-country operators.*** To this end, the Union should **█** *seek to lead the process of strengthening* the performance of regional and international organisations **█** *to better enable them to conserve and manage marine living resources under their purview, including combating illegal, unreported and unregulated (IUU) fishing. The Union should cooperate with third countries and* international **█** *organisations for the purpose of improving* compliance **█** *with international measures, including combating IUU. The positions of the Union should be based on the best available scientific advice.*
- (39) Sustainable fisheries ***partnership*** agreements **█** with third countries should ensure that Union fishing activities in third country waters are based on the best available scientific advice ***and relevant information exchange***, ensuring a sustainable exploitation of the marine biological resources, ***transparency as regards the determination of the surplus and, consequently, a management of the resources that is consistent with the objectives of the Common Fisheries Policy.*** Those agreements, which provide for access **█** *to resources commensurate with the Union fleet's interests* 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 ***data collection***, monitoring, control and surveillance measures.
- (40) 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 ***partnership*** agreements and be subject to a specific human rights clause. ***The introduction of a human rights clause in sustainable fisheries partnership agreements should be fully consistent with the overall Union development policy objectives.***
- (41) **█** [merged with recital 40]
- (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 ***including food supplies, as well as growth and employment*** 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>14</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) █ [shifted to Recital 3]
- (45) Aquaculture activities in the Union are influenced by different conditions across national borders, including as regards authorisations for the operators. *Therefore* 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 *inland* 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 *regardless of their origin*, 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. █

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<sup>14</sup> COM(2009)0162.

- (48a) **█ In order to ensure compliance with the rules of the Common Fisheries Policy, █** an effective system of control, inspection and enforcement, including the fight against IUU fishing activities, ***should be established. █*** .
- (49) The use of modern, ***effective*** technologies should be promoted in the framework of the Union system for control, inspection, and enforcement. Member States ***and*** the Commission should have the possibility to conduct pilot projects on new control technologies and data management systems.
- (49a) ***To ensure comparable conditions in different Member States in the application of control and enforcement rules, cooperation between Member states on identifying effective, proportionate and dissuasive sanction should be encouraged.***
- (50) To ensure the involvement of concerned operators in the ***Union data collection and*** in the Union system for control, inspection, and enforcement, Member States should be able to require ***their operators*** to contribute proportionally to the ***corresponding operational*** costs.
- (51) The objectives of the Common Fisheries Policy cannot be sufficiently achieved by Member States ***alone*** 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, to contribute to the achievement of those objectives, multiannual Union financial assistance should be granted, focused on the priorities of the Common Fisheries Policy **█ and tailored to the specific features of the fishing industry in individual Member States.**
- (52) Union financial assistance should be made conditional upon compliance by Member States and operators ***including vessel owners***, with the **█ rules of the** Common Fisheries Policy. ***Subject to specific rules to be adopted, Union █*** financial assistance should be interrupted, suspended or corrected in cases of ***a*** non-compliance with ***a specific obligation under the █*** Common Fisheries Policy by ***a*** Member State ***or a*** serious infringement of those rules by ***an*** operator.



- (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) *In view of the special characteristics of the outermost regions, of aquaculture, of markets and of the Black Sea, it is appropriate **█** to establish a new Advisory Council **█** for each of them.*
- (55) **█** *For the purpose **█** of the following aspects: conservation measures accompanying certain environmental obligations by Member States, adaptation of the obligation to land all catches for the purpose of complying with the Union's international obligations, **█** extension of the landing obligation towards other species having used the regionalisation process, adopting a discard plan using the regionalisation process, adopting de minimis exemptions to the landing obligation if no other implementation measure for the landing obligation has been adopted, and details of the functioning of Advisory Councils, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission.*
- (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) **■** *Implementing powers in respect of temporary measures to alleviate a serious threat to the conservation of marine biological resources, for the implementation of the entry-exit scheme in fleet management, and for the recording, format and transmission of data for the Union fishing fleet register* 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>15</sup>.
- (59) **■**
- (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 *its objectives*.
- (61) Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the Common Fisheries Policy<sup>16</sup> should be repealed upon entry in force of the corresponding rules pursuant to this Regulation.
- (62) **■**
- (63) By reason of the number and importance of the amendments to be made, Council Regulation (EC) No 2371/2002 should be repealed,

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<sup>15</sup> OJ L 55, 28.2.2011, p. 13.

<sup>16</sup> OJ L 256, 3.8.2004, p. 17.

HAVE ADOPTED THIS REGULATION:

## PART I

### GENERAL PROVISIONS

#### *Article 1*

##### **Scope**

1. The Common Fisheries Policy shall cover:
  - (a) *the* conservation of marine biological resources *and the* management **█** of *fisheries and fleets exploiting such resources*,
  - (b) *in relation to measures on markets and financial measures in support of the Common Fisheries Policy*: fresh water biological resources, aquaculture, and the processing and marketing of fisheries and aquaculture products.
  
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 *to which the Treaty applies*; 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*

##### **Objectives**

1. The Common Fisheries Policy shall ensure that fishing and aquaculture activities **█** *are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving* economic, social **█** *and employment benefits, and of contributing* to the availability of food supplies.

2. The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure ■ that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

*In order to reach this objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks.*

3. The Common Fisheries Policy shall implement the ecosystem-based approach to fisheries management to ensure that *negative* impacts of fishing activities on the marine ecosystem are minimised, *and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.*

3a. *The Common Fisheries Policy shall contribute to the collection of scientific data.*

4. ■ *The Common Fisheries Policy shall in particular:*

(a) *gradually eliminate discards on a case-by-case basis and taking into account the best available scientific advice by avoiding and reducing as far as possible unwanted catches and gradually ensuring that ■ catches are landed;*

(aa) *where necessary, make the best use of unwanted catches, without creating a market for such catches that are below the minimum conservation reference size;*

(b) *provide conditions for ■ economically viable and competitive fishing capture and processing industry and land-based fishing related activity;*

(ba) *provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities consistent with Article 2(2), with a view to having economically viable fleets without overexploiting marine biological resources;*

- (c) promote the development of Union *sustainable* aquaculture activities to contribute to food *supplies and* security and employment ■ ;
- (d) contribute to a fair standard of living for those who depend on fishing activities, *bearing in mind coastal fisheries and socio-economic aspects*;
- (e) *contribute to an efficient and transparent internal market for fisheries and aquaculture products and contribute to ensuring a level playing field for fisheries and aquaculture products marketed in the Union*;
- (ea) take into account the interests of *both* consumers *and* producers;
- (f) *promote coastal fishing activities, taking into account socio-economic aspects*;
- (g) *be coherent with the Union environmental legislation, in particular the objective of achieving a good environmental status by 2020 as set out in Article 1(l) of Directive 2008/56/EC, as well as with other Union policies.*

[Article 3 merged with Article 2]

#### *Article 4*

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

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

- (e) clear definition of responsibilities at the Union, *regional*, national and ■ local levels;
- (aa) *taking into account regional specificities through a regionalised approach*;
- (f) establishment of measures in accordance with the best available scientific advice;
- (g) a long-term perspective;
- (ca) *administrative cost efficiency*;
- (h) ■ *appropriate* involvement of stakeholders, *in particular of Advisory Councils*, at all stages - from conception to implementation of the measures;

- (i) the primary responsibility of the flag State;
- (j) consistency with **■** other Union policies,
- (fa) the use of impact assessments as appropriate;*
- (fb) coherence between the internal and external dimension of the Common Fisheries Policy;*
- (fc) transparency of data handling in accordance with existing legal requirements, with due respect for private life, the protection of personal data and confidentiality rules; availability of data to the appropriate scientific bodies, other bodies with a scientific or management interest, and other defined end-users.*

#### *Article 5*

#### **Definitions**

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

- (1)** '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;
- (2)** 'marine biological resources' means available and accessible living marine aquatic species, including anadromous and catadromous species *during their marine life*;
- (3)** 'fresh water biological resources' means available and accessible living fresh water aquatic species;
- (4)** 'fishing vessel' means any vessel equipped for commercial *exploitation* of marine biological resources *or a blue fin tuna trap*;
- (5)** 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (5b)** *'entry to the fishing fleet' means registration of a fishing vessel in the fishing vessel register of a Member State;*

- (6) 'maximum sustainable yield' means the **highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without affecting significantly the reproduction process;**
- (7) 'precautionary approach to fisheries management', *as referred to in Article 6 of the UN Fish Stocks Agreement*, 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;
- (8) 'ecosystem-based approach to fisheries management' means **an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems;**
- (8a) 'discards' means catches that are returned to the sea;
- (8b) 'low impact fishing' means utilising selective fishing techniques which have a low detrimental impact on marine ecosystems and/or which may result low fuel emissions;
- (8c) 'selective fishing' means fishing with fishing methods or fishing gears that target and capture organisms by size or species during the fishing operation, allowing non-target specimens to be avoided or released unharmed;
- (9) 'fishing mortality rate' means the **rate at which biomass or individuals are removed from a stock by means of fishery activities over a given period;**
- (10) 'stock' means a marine biological resource **that occurs in a given management area;**

- (11) 'catch limit' means, *as appropriate, either a quantitative limit on catches of a fish stock or group of fish stocks over a given period where such fish stocks or group of fish stocks are subject to an obligation to land, or a quantitative limit on landings of a fish stock or group of fish stocks over a given period for which an obligation to land does not apply;*
- (12) '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;
- (12a) *'minimum conservation reference size' means the size of a living marine aquatic species taking into account maturity, established by EU law, below which restrictions or incentives apply that aim at avoiding capture through fishing activity; such size replaces, where relevant, the minimum landing size;*
- (12b) *'stock within safe biological limits' means a stock with a high probability that its estimated spawning biomass at the end of the previous year is higher than the limit biomass reference point (Blim) and its estimated fishing mortality rate for the previous year is less than the limit fishing mortality rate reference point (Flim);*
- (13) 'safeguard' means a precautionary measure designed to **avoid** something undesirable occurring;
- (14) '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;
- (15) **■**
- (16) '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;



**(16a)** *'Member State having a direct management interest'* means a Member State which has an interest qualified by either fishing opportunities or by a fishery taking place in the exclusive economic zone of the Member State concerned, or, in the Mediterranean Sea, by a traditional fishery on the High Seas;

**(16b)** *For the purposes of this Regulation, the following geographical definitions of geographical areas shall apply:*

**(a)** *'North Sea'* means ICES zones IV and IIIa;

**(b)** *'Baltic Sea'* means ICES zones IIIb, IIIc and IIId;

**(c)** *'North Western waters'* means ICES zones V (excluding Va and only Union waters of Vb), VI and VII;

**(d)** *'South Western waters'* means ICES zones VIII, IX and X (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands);

**(e)** *'Mediterranean Sea'* means Maritime Waters of the Mediterranean of the East of line 5°36' West;

**(f)** *'Black Sea'* means the GFCM geographical sub-area as defined in resolution GFCM/33/2009/2.

**(17)** '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>17</sup>, which the holder may transfer ■ .

**(18)** ■

**(19)** '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>18</sup>;

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<sup>17</sup> OJ L 409, 30.12.2006, p. 11.

<sup>18</sup> OJ L 274, 25.9.1986, p. 1.

- (20) '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;
- (21) 'fishing licence' means a licence as referred to in Article 4(9) of 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<sup>19</sup>;
- (22) 'fishing authorisation' means an authorisation as referred to in Article 4(10) of Regulation (EC) No 1224/2009;
- (23) 'fishing activity' means **■ searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fisheries products;**
- (24) 'fishery products' means aquatic organisms resulting from any fishing activity **or products derived therefrom;**
- (25) 'operator' means the natural or legal person who operates or holds any **■ undertaking** carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- (26) 'serious infringement' means an infringement **■ that is defined as such in relevant EU legislation, including** in Article 42(1) of Council Regulation (EC) No 1005/2008 and in Article 90(1) of Council Regulation (EC) No 1224/2009;
- (27) 'end-user of scientific data' means a body with a research or management interest in the scientific analysis of data in the fisheries sector;

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<sup>19</sup> OJ L 343, 22.12.2009, p. 1.

- (28) 'surplus of allowable catch' means that part of the allowable catch which a coastal State does not harvest, **resulting in an overall exploitation rate for individual stocks that remains below levels at which stocks are capable of restoring themselves and maintaining populations of harvested species above desired levels based on the best available scientific advice;**
- (29) 'aquaculture products' means aquatic organisms at any stage of their life cycle resulting from any aquaculture activity **or products derived therefrom;**
- (30) '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;
- (31) 'mixed fisheries' means fisheries **in which** more than one species **is present** **and is likely to be caught together with other species in the same fishing operation;**
- (32) '**sustainable** fisheries **partnership** agreements' mean international agreements concluded with another state for the purpose of obtaining access to **waters and resources in order to sustainably exploit a share of the surplus of marine biological resources**, in exchange for financial compensation from the Union **which may include sectoral support;**

## 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 EU outermost regions referred to in Article 349(1) of the Treaty***, the Member States concerned may from 1 January 2013 to 31 December 2022 restrict fishing to vessels registered in the ports of those ***territories***. 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 AND SUSTAINABLE**  
**EXPLOITATION OF MARINE BIOLOGICAL RESOURCES**

**TITLE I**  
**CONSERVATION MEASURES**

*Article -7 (new)*

*General provisions*

- 1. For the purpose of achieving the conservation and exploitation objectives of the Common Fisheries Policy set out in Article 2 the Union shall adopt conservation measures as set out in Article 7.*
- 2. In the application of this Regulation the Commission shall consult the relevant advisory bodies and relevant scientific bodies. Conservation measures shall be adopted taking into account available scientific, technical and economic advice. This may include reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, advice received from Advisory Councils and joint recommendations by MS in accordance with Title III.*
- 3. Member States may cooperate with one another for the purpose of adopting measures in accordance with Article 12 and Title III.*
- 4. Member States shall coordinate with one another before adopting national measures in accordance with Article 26(2).*
- 5. In specific cases, in particular as regards the Mediterranean region, Member States may be empowered to adopt legally binding acts in the area of the Common Fisheries Policy, including conservation measures. Article 17 shall apply, where appropriate.*

Article 7

**Types of conservation measures**

- I. Measures for the conservation *and sustainable exploitation* of marine biological resources may include, *inter alia*, the following:
- (k) adopting multiannual plans under Articles 9 and 11;
  - (l) ■ targets for the *conservation and sustainable exploitation of stocks and related measures to minimize the impact of fishing on the marine environment*;
  - (m) ■ measures ■ *to adapt the fishing capacity* of fishing vessels ■ to available fishing opportunities;
  - (n) ■ incentives, including those of an economic nature *such as fishing opportunities*, to promote *fishing methods that contribute to* ■ *more selective fishing, the avoidance and reduction, as far as possible, of unwanted catches, and to fishing with low impact on the marine ecosystem and fishery resources*;
  - (o) *measures on the fixing and allocation of* fishing opportunities;
  - (f) shifted to (j)
  - (p) ■ measures ■ *to achieve the objectives of Article 15*;
  - (g) *minimum conservation reference sizes*;
  - (h) ■ pilot projects on alternative types of fishing management techniques *and on gears that increase selectivity or that minimize the negative impact of fishing activities on the marine environment*;
  - (ha) *measures necessary for compliance with obligations under Union environmental legislation adopted in accordance with Article 12*;
  - (j) ■ technical measures as referred to in *paragraph 2*.

2. Technical measures may include *inter alia* the following:

- (q) **characteristics of fishing gears** and rules concerning **their** use ;
- (r) **specifications** on the construction of fishing gear, including:
  - i) modifications or additional devices to improve selectivity or to **minimise the negative** impact on the **ecosystem**;
  - ii) modifications or additional devices to reduce the incidental capture of endangered, threatened and protected species, **as well as other unwanted catches**;
- (s) **limitations on or** prohibitions of the use of certain fishing gears, **and on fishing activities**, in certain areas or **periods**;
- (t) requirements for fishing vessels to cease operating in **a defined** area for a defined minimum period in order to protect temporary aggregations of **endangered species, spawning fish, fish below minimum conservation reference size, and other** vulnerable marine resources;
- (u) specific measures to **minimise** the **negative** impact of fishing activities on **marine biodiversity and** marine eco-systems, **including measures to avoid and reduce as far as possible unwanted catches**.

[Article 8 merged with Article 7]

*Article 7 a (new)*  
*Establishment of fish stock recovery areas*

*The Union shall, while taking due account of existing conservation areas, endeavour to establish protected areas on ground of their biological sensitivity, including areas where there is clear evidence of heavy concentration of fish below minimum conservation size and spawning grounds. In such areas fishing activities may be restricted or prohibited in order to contribute to the conservation of living aquatic resources and marine eco-systems. The Union shall also continue to give additional protection to existing biologically sensitive areas. For these purposes, Member States shall identify, where possible, suitable areas which may form part of a coherent network and shall prepare, where appropriate, joint recommendations in accordance with the provisions of Article 17(7) with a view to the Commission submitting a proposal under the relevant Treaty Procedure. The Commission may, in a multi-annual plan, be empowered to establish such biologically sensitive protected area; Article 17 (1)-(6) shall apply. The Commission shall report regularly to the European Parliament and the Council on protected areas.*

**TITLE II**  
***SPECIFIC MEASURES***

*Article 9*

*Principles and objectives of multiannual plans*

- 1. Multiannual plans shall be adopted as a priority based on scientific, technical and economic advice, and shall contain █ conservation measures █ to restore and maintain fish stocks above levels capable of producing maximum sustainable yields in accordance with Article 2(2).*
- 2. Where targets relating to the maximum sustainable yield as referred to in Article 2(2) cannot be determined owing to insufficient data, the multiannual plans shall provide for █ measures based on the precautionary approach, ensuring at least a comparable degree of conservation of the relevant stocks.*



3. Multiannual plans shall cover either :

(a) *single species; or*

(b) *in the case of mixed fisheries or where the dynamics of stocks relate to one another, fisheries exploiting several stocks in a relevant geographical area, taking into account knowledge about the interactions between fish stocks, fisheries and marine ecosystems.*

4. *The measures to be included in multiannual plans, and the calendar for implementing them, shall be proportionate to the objectives and targets pursued and to the timeframe envisaged. Before measures are included in the multiannual plans account shall be taken of their likely economic and social impact.*

5. *Multiannual plans may contain specific conservation objectives and measures based on the eco-system approach, to address the specific problems of mixed fisheries in relation to achieving the objectives referred to in Article 2(2) for the mixture of stocks covered by the plan in cases where scientific advice indicates that increases in selectivity cannot be achieved. Where necessary, the plan shall include specific alternative conservation measures for some of the stocks covered by the plan, based on the ecosystem approach.*

[Article 10 merged with Article 9]

#### *Article 11*

#### **Content of multiannual plans**

1. A multiannual plan shall, *as appropriate and without prejudice to the respective competences under the Treaty*, include:

(v) the scope, in terms of stocks, fishery and the area to which the multiannual plan shall be applied;

(w) objectives *that are* consistent with objectives set out in Article 2 *and with the relevant provisions of Articles -7 and 9;*

- (x) quantifiable targets **■** *such as* fishing mortality rates and/or spawning stock biomass **■** ;
- (y) clear time frames to reach the quantifiable targets;
- (z) *conservation reference points consistent with the objectives in Article 2;*
- (aa) *objectives for conservation and technical measures **■** to be taken in order to achieve the targets set out in Article 15 and measures designed to avoid and reduce as far as possible unwanted catches;*
- (bb) *safeguards to ensure that quantifiable targets are met, and remedial action where needed, including for situations where deteriorating data availability or quality put the sustainability of the stock at risk.*

2. *A multiannual plan may also include:*

- (a) *other conservation measures, in particular measures to gradually eliminate discards taking into account the best available scientific advice or to minimise the negative impact of fishing on the ecosystem, to be detailed, where appropriate, in accordance with Title III;*
- (b) quantifiable indicators for periodic monitoring and assessment of the progress related to achieving the targets of the multiannual plan;
- (c) *where appropriate*, specific **■** objectives for the freshwater part of the life cycle of anadromous and catadromous species;

3. *A multiannual plan shall provide for its revision after an initial ex-post evaluation, in particular to take account of changes in the scientific advice.*

Article 12

**Conservation measures necessary for the purpose of compliance with obligations under Union environmental legislation**

1. *Member States are authorised, subject to paragraph 2, to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under:*
  - (a) *Article 13(4) of the MSF Directive;*
  - (b) *Article 4 of the Birds Directive; and/or*
  - (c) *Article 6 of the Habitat Directive.*
  
2. *The measure envisaged shall be:*
  - (a) *compatible with the objectives set out in Article 2;*
  - (b) *meet the objective of the relevant Union legislation that it intends to implement; and*
  - (c) *not be less stringent than measures existing in Union legislation.*
  
3. *Where a Member State considers that Union measures defined in paragraph 1 need to be adopted and other Member States have a direct management interest in the fishery to be affected by such measures, the Commission shall be empowered, by means of delegated acts in accordance with Article 55, upon a request to adopt such measures. For this purpose, Article 17(1) - (4) and (6) shall apply mutatis mutandis.*
  
- 3bis *The initiating Member State shall provide the Commission and the other Member States having a direct management interest with relevant information on the measures required, including rationale, scientific evidence and detail on practical implementation and enforcement. The initiating Member State and the other Member States with a direct management interest may submit a joint recommendation referred to in Article 17(1) within six months from the provision of sufficient information. The Commission shall adopt the measures taking into account any available scientific advice within three months from receipt of a complete request.*

*In the absence of a joint recommendation, the Commission may propose the measures under the relevant Treaty procedure. In cases of urgency, the Commission shall adopt the measures for a maximum period of 1 year. The measures to be adopted in a case of urgency shall be limited to those in the absence of which the achievement of the objectives associated with the establishment of these conservation measures, in accordance with the relevant Directive and the Member State's intentions, is in jeopardy.*

- 3ter Before expiry of the initial period of application of an emergency measure adopted under paragraph 3.bis, the Commission may, where the conditions under paragraph 3.bis are complied with, extend the application of such emergency measure for a maximum period of 12 months.*
- 4. The Commission shall facilitate the cooperation between the Member State concerned and the other Member States having a direct management interest in the fishery concerned in the process of implementation and enforcement of the measures concerned.*

#### *Article 13*

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

- 5. 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. **Such measures shall be adopted by means of immediately applicable implementing acts for a maximum period of 6 months following the procedure provided by Article 56(3).***
- 6. The Member State shall communicate the request referred to in paragraph 1 simultaneously to the Commission, other Member States and the Advisory Councils concerned. **The other Member States and the Advisory Councils may submit their written comments within 7 working days of the receipt of the notification. The Commission shall take a decision within 15 working days of the receipt of the request referred to in paragraph 1.***

7. *Before expiry of the initial period of application of an emergency measure adopted under paragraph 1, the Commission may, where the conditions under paragraph 1 are complied with, extend the application of such emergency measure by means of an immediately applicable implementing act for a maximum period of 6 months, adopted in accordance with the procedure referred to in Article 56(3).*

*Article 13a (new)*  
*Member State emergency measures*

1. *On the basis of evidence of a serious threat to the conservation of marine biological resources or to the marine ecosystem relating to fishing activities in waters falling under the sovereignty or jurisdiction of a Member State that require immediate action, that Member State may adopt emergency measures to alleviate the threat. Such measures shall be compatible with the objectives set out in Article 2 and no less stringent than those in existing Union legislation. Such measures shall be adopted for a maximum period of three months.*
2. *Where emergency 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. For the purpose of such consultation, the Member State may set a reasonable deadline, which shall, however, not be shorter than 1 month.*
3. *Where the Commission considers that a measure adopted under this Article does not comply with the conditions set out in paragraph 1, it may, subject to providing relevant reasons, request that the Member State concerned amend or repeal the relevant measure.*

[Article 14 deleted]

*Article 14 a (new)*

*Avoidance and minimisation of unwanted catches*

*To facilitate the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15 , Member States may conduct pilot projects, based on the best available scientific advice and taking into account the opinions of the relevant Advisory Councils, with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery.*

*Member States may also produce a "discard atlas" showing the level of discards in each of the fisheries covered by Article 15(1).*

*Article 15*

**Obligation to land all catches**

1. All catches ■ subject to catch limits, ■ *and in the Mediterranean also catches subject to minimum landing sizes as defined in the Annex to Regulation (EC) No. 1967/2006*, caught during fishing activities in Union waters or by Union fishing vessels outside Union waters *in waters not subject to third countries' sovereignty or jurisdiction, in the fisheries and geographical areas listed below* shall be brought and retained on board the fishing vessels, ■ recorded, ■ landed, *and counted against the quotas where applicable*, except when used as live bait, in accordance with the following timeframe:
  - (b) At the latest from 1 January **2015**:
    - *small pelagic fisheries i.e. fisheries for* mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, ■ *sardine, sprat; large pelagic fisheries i.e. fisheries for* bluefin tuna, swordfish, albacore tuna, bigeye tuna, ■ *blue and white marlin*;
    - *fisheries for industrial purposes i.a. fisheries for* capelin, *sandeel and Norway pout*;
    - *salmon in the Baltic Sea.*

- (b) At the latest from 1 January 2015 *for species defining the fisheries and not later than 1 January 2017 for all other species in fisheries in Union waters of the Baltic Sea for species subject to catch limits other than those covered by point (a).*
- (c) At the latest from 1 January 2016 *for species defining the fisheries and not later than 1 January 2019 for all other species in:*
- *(i) The North Sea*
    - *fisheries for cod, haddock, whiting, saithe;*
    - *fisheries for Norway lobster;*
    - *fisheries for common sole and plaice;*
    - *fisheries for hake;*
    - *fisheries for Northern prawn;*
  - *(ii) North Western waters*
    - *fisheries for cod, haddock, whiting, saithe;*
    - *fisheries for Norway lobster;*
    - *fisheries for common sole and plaice;*
    - *fisheries for hake;*
  - *(iii) South Western waters*
    - *fisheries for Norway lobster;*
    - *fisheries for common sole and plaice;*
    - *fisheries for hake;*
  - *(iv) other fisheries for species subject to catch limits.*

*(d) At the latest from 1 January 2017 for species defining the fisheries and not later than 1 January 2019 for all other species in fisheries not covered by paragraph 1(a) in the Mediterranean, in the Black Sea and in all other Union waters and in non-Union waters not subject to third countries' sovereignty or jurisdiction.*

*Ibis* Paragraph 1 shall be without prejudice to international obligations **that are binding on the Union**. The Commission shall be empowered to adopt, **by means of** delegated acts in accordance with Article 55, **■** measures **■** for the purpose of **■** *implementing such* international obligations **into Union law, including, in particular, derogations from the landing obligation under this Article.**

*Iter.* *Where all the Member States with a direct management interest in a particular fishery agree that the landing obligation should apply to species other than those defined in paragraph 1, they may submit a joint recommendation for the purpose of extending the application of the landing obligation under paragraph 1 to such other species. For this purpose, Article 17(1)-(6) shall apply mutatis mutandis. Where such joint recommendation is submitted, the Commission may adopt these measures by means of delegated acts in accordance with Article 55.*

2. *The following shall be exempted from the landing obligation laid down in paragraph 1:*

*(a) species in respect of which fishing is prohibited and that are identified as such in a Union act adopted in the area of the Common Fisheries Policy;*

*(b) species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem;*

*(c) catches falling under de minimis exemptions.*

3. *Details of the implementation of the obligation to land catches from fisheries in paragraph 1 shall be specified in multiannual plans referred to in Articles 9 to 11 and where relevant specified in accordance with Title III, including:*

*(a) specific provisions regarding fisheries or species covered by the obligation to land all catches of regulated species as set out in paragraph 1 of this Article;*



- (b) the specification of exemptions to the landing obligation for species mentioned in paragraph 2 point (b) of this Article;*
- (c) provisions for de minimis exemptions of up to 5% of total annual catches of all species subject to an obligation to land as set out in paragraph 1. The de minimis exemption shall apply in the following situations:
  - i) where scientific evidence indicates that increases in selectivity are very difficult to achieve; or*
  - ii) to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in the plan, of total annual catch of that gear.**

*Catches under this provision shall not be counted against the relevant quotas, however, all such catches shall be fully recorded.*

*For a transitional period of four years, the percentage of the total annual catches referred to in subparagraph (c) shall increase: (i) by two per cent in the first two years of application of the landing obligation; and (ii) by one per cent in the subsequent two years;*

- (d) provisions on documentation of catches;*
  - (e) fixing of minimum conservation reference sizes, where appropriate, in accordance with paragraph 5.*
- 3a. Where no multiannual plan or no management plan in accordance with Article 18 of Regulation (EC) No 1967/2006 for the fishery in question is adopted, the Commission may adopt a specific discards plan on a temporary basis under the rules stipulated under Article 17. Member States may cooperate in accordance with Article 17 with a view to the Commission adopting a specific plan, for no more than a 3 year period, on the landing obligation and specifications in paragraph 3 (a)-(e), by means of delegated acts in accordance with the procedure in Article 55 or in the ordinary legislative procedure.*

- 3b. *Where no measures have been adopted, either in a multiannual plan adopted in accordance with paragraph 3, or in a specific discard plan adopted in accordance with paragraph 3a, for the purpose of specifying the de minimis exemption referred to in paragraph 2(c), the Commission shall adopt, by means of delegated acts in accordance with Article 55, a de minimis exemption that shall, subject to the conditions set out in paragraph 3(c)(i) or (ii), amount to no more than 5% of total annual catches of all species to which the landing obligation applies under paragraph 1. This de minimis exemption shall be adopted so as to apply from the date of application of the relevant landing obligation.*
- 4a. *As a derogation from the obligation to count catches against the relevant quotas in accordance with paragraph 1, catches of species that are subject to an obligation to land and that are caught in excess of quotas of the stocks in question, or catches of species in respect of which the Member State has no quota, may be deducted from the quota of the target species provided that they do not exceed 9 % of the quota of the target species. This provision shall only apply where the stock of the non-target species is within safe biological limits.*
- 4b. *For stocks subject to a landing obligation, Member States may use a year-to-year flexibility of up to 10% of their permitted landings. For this purpose, a Member State may allow landing of additional quantities of the stock that is subject to the landing obligation provided that such quantities do not exceed 10% of the quota allocated to that Member State. Article 105 of the Control Regulation shall apply.*
5. *With the aim to ensure the protection of juveniles of marine organisms, minimum conservation reference sizes ■ may be established. ■*
6. *For the species subject to an obligation to land as specified in paragraph 1, the use of catches of species below the minimum conservation reference size shall be restricted to purposes other than direct human consumption, including fish meal, fish oil, pet food, food additives, pharmaceuticals and cosmetics.*
7. *For the species not subject to an obligation to land as mentioned in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea.*

8. Member States shall ensure **■** *detailed and accurate* documentation of all fishing **■** *trips and adequate capacity and means* for the purpose of monitoring compliance with the obligation to land all catches, *inter alia such means as observers, CCTV and other. In doing so, Member States shall respect the principle of efficiency and proportionality.*

#### *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.  
  
*Ibis. When a landing obligation for a fish stock is being introduced, fishing opportunities shall be set taking account of the change from setting fishing opportunities to reflect landings to setting fishing opportunities to reflect catches on the basis that for the first and subsequent years, discarding of that stock will no longer be allowed.*  
  
*Iter. Where new scientific evidence shows that fishing opportunities that have been fixed for a specific stock are in significant disparity with the actual state of that stock, those Member States with a direct interest may submit a reasoned request to the Commission to submit a proposal to alleviate this disparity while respecting the objectives set out in Article 2(2).*
2. **■** Fishing opportunities shall *shall be established consistent with the objectives set down in Article 2(2) and* comply with quantifiable targets, time frames and margins established in accordance with Article 9(2) and *points (b) and (c) of Article 11(1).*
3. *Measures on the fixing and allocation of fishing opportunities available to third countries in EU waters shall be established and allocated in accordance with the Treaty.*

- 3a. *Each Member State shall decide how fishing opportunities assigned to it, and which are not subject to a system of transferable fishing concessions, may be allocated to vessels flying its flag, for example by creating individual fishing opportunities. It shall inform the Commission of the allocation method.*
4. *For the allocation of fishing opportunities pertaining to mixed fisheries, Member States shall take account of the likely catch composition of vessels participating in such fisheries.*
5. Member States may, after notifying the Commission, exchange all or part of the fishing opportunities allocated to them.

*Article 16 a (new)*  
*Criteria for Member States' allocation of fishing opportunities*

*When allocating the fishing opportunities available to them as referred to in Article 16, Member States shall use transparent and objective criteria including those of an environmental, social and economic nature. The criteria to be used may include, inter alia, the impact of fishing on the environment, the history of compliance, the contribution to the local economy and historic catch levels. Within the fishing opportunities assigned to them, Member States shall endeavour to provide incentives to fishing vessels deploying selective fishing gear or using fishing techniques with reduced environmental impact, such as reduced energy consumption or habitat damage.*

## TITLE III

### REGIONALISATION

#### *Article 17*

#### ***Regional cooperation on conservation measures including multiannual plans, measures in accordance with Article 12 and specific plans for the obligation to land catches***

- 1. Where, in respect of a conservation measure applying to a relevant geographical area, including in a multiannual plan established pursuant to Articles 9 and 11, measures in accordance with Article 12 and specific plans for the obligation to land catches, the Commission is granted powers to adopt measures by means of delegated or implementing acts, Member States having a direct management interest affected by these measures (“Member States concerned”) may, within a deadline to be stipulated in the relevant conservation measure and/or multiannual plan, agree to submit joint recommendations aiming at achieving the objectives of the relevant Union conservation measures and/or multiannual plans and/or specific plans for the obligation to land catches to be adopted in accordance with Article 15. The Commission shall not adopt any such delegated or implementing acts before the expiry of the deadline for submission of joint recommendations by the Member States.***
- 2. For the purpose of paragraph 1, Member States concerned shall cooperate with one another in formulating joint recommendations. They shall also consult the relevant Advisory Council(s). The Commission shall facilitate the cooperation between Member States, including, where necessary, ensuring that a scientific contribution can be obtained from relevant scientific bodies.***
- 3. Where joint recommendations on measures are submitted under paragraph 1, the Commission shall be empowered to adopt these measures by means of delegated or implementing acts, provided that such recommendations are compatible with the relevant conservation measure and/or multiannual plan.***

4. *Where the conservation measure applies to a specific fish stock shared with third countries and managed by multilateral fisheries organisations or under bilateral and multilateral agreements, the Union shall endeavour to agree with the relevant partners the necessary measures to achieve the objectives set out in Article 2.*
5. Member States shall ensure that *joint recommendations on conservation measures to be adopted pursuant to paragraph 1 are based on the best available scientific advice and:*
  - (a) are compatible with the objectives set out in Article 2;
  - (b) are compatible with the scope and objectives of the **■ Union conservation measure**;
  - (c) *are compatible with the scope and* meet the objectives and quantifiable targets set out in a *relevant* multiannual plan effectively; and
  - (d) are no less stringent than those existing in Union legislation.
6. *If not all Member States succeed in agreeing on joint recommendations to be submitted to the Commission according to paragraph 1 within the deadline set or if the joint recommendations on conservation measures are deemed not to be compatible with the objectives and quantifiable targets of the conservation measures in question, the Commission may submit a proposal for appropriate measures in accordance with the Treaty.*
7. *In addition to cases referred to in paragraph 1, Member States having a direct management interest in fish stocks in a geographically defined area may also prepare common joint recommendations to the Commission on measures to be proposed or adopted by it.*

8. *As a supplementary or alternative method of regional cooperation, Member States will be empowered in a Union conservation measure that applies to a relevant geographical area, including in a multiannual plan established pursuant to Articles 9 and 11, to adopt within a set deadline measures further specifying that conservation measure. The Member States concerned shall closely cooperate in the adoption of such measures. Paragraphs 2, 4 and 5 shall apply mutatis mutandis. The Commission shall be associated and its comments shall be taken into account. The Member State concerned may only adopt their respective national measures if an agreement on the content of the measures was reached by all the Member States concerned. Where the Commission considers a Member State measure does not comply with the conditions set out in the relevant conservation measure, it may, subject to providing relevant reasons, request that the Member State(s) concerned amend or repeal the relevant measure.*

[Articles 18 to 24 deleted]

## TITLE IV

### NATIONAL MEASURES

#### *Article 25*

#### **Member States' measures applicable to fishing vessels flying their flag *or to persons established in their territory***

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

- (e) 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 *to which the Treaty applies*;
- (f) are compatible with the objectives set out in Articles 2; and
- (g) are no less stringent than those in existing Union legislation.

- 1a. The Member State shall, for control purposes, inform the other Member States concerned of provisions adopted pursuant to paragraph 1.***
- 1b. Member States shall make publicly available appropriate information concerning the measures adopted in accordance with this Article.***

#### *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 **■** *the maintenance or improvement* of the conservation *status* 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 *or specifically addressing the problem identified by the Member State in question*. 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 *that shall also demonstrate that those measures are non-discriminatory. For the purpose of such consultation, the consulting Member State may set a reasonable deadline, which shall, however, not be shorter than two months.*
- 2a. *Member States shall make publicly available appropriate information concerning the measures adopted in accordance with this Article.*
3. *Where the Commission considers that a measure adopted under this Article does not comply with the conditions set out in paragraph 1, it may, subject to providing relevant reasons, request that the Member State concerned amends or repeals the relevant measure.*

## PART V

### ***MANAGEMENT OF FISHING CAPACITY***

#### *Article 27*

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

Member States **■** *may* establish a system of transferable fishing concessions **■** . Member States *having such a system* shall establish and maintain a register of transferable fishing concessions.

[Articles 28 to 33 deleted]

***Adjustment and management of fishing capacity***

8. Member States shall put in place measures to adjust the fishing capacity of their fleet to their fishing opportunities, ***over time taking into account trends and based on best scientific advice, with the objective of achieving a stable and enduring balance between them.***

1a. ***In order to achieve the objective referred to in paragraph 1, Member States shall send to the Commission by 31 of May of each year a report on the balance. To facilitate a common approach across the Union, this report shall be done in accordance with common guidelines which may be developed by the Commission indicating the relevant technical, social and economic parameters.***

***The report shall contain the annual capacity assessment of the national fleet and of all fleet segments of the Member State. The report shall seek to identify structural overcapacity by segment and estimate the long-term profitability by segment. The reports shall be made publicly available.***

1b. ***With regard to the assessments referred to in paragraph 2, Member States shall base their analysis on the balance between the fishing capacity of their fleets and the fishing opportunities referred to above. Separate assessments shall be drawn up for fleets operating in the outermost regions and for vessels operation exclusively outside Union waters.***

9. ***If the assessment clearly demonstrates that the fishing capacity is not effectively balanced with fishing opportunities, the Member State shall prepare and include in the report an action plan for the fleet segments with identified structural overcapacity. The action plan shall set out the adjustment targets and tools to achieve the balance and a clear time frame for the implementation of the plan.***

***On a yearly basis, the Commission shall prepare a report for the European Parliament and the Council on the balance between the fishing capacity of the Member State fleets and their fishing opportunities as referred to above in accordance with the guidelines referred to in paragraph 1b. The report shall include action plans in accordance with this paragraph. The first report shall be submitted by 31 March 2015.***

***Failure to undertake the report as referred to in paragraph 1a, and failure to implement the action plan as referred to in paragraph 2, may result in a proportionate suspension or interruption of relevant Union financial assistance to that Member State for fleet investment in the fleet segment or segments concerned in accordance with the provisions of the EMFF Regulation.***

10. No exit from the fleet supported by public aid ■ shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.
11. The fishing capacity corresponding to the fishing vessels withdrawn with public aid shall not be replaced.
12. Member States shall ensure that from ■ ***the date of application of this Regulation*** the fishing capacity of their fleet does not exceed at any time the fishing capacity ceilings ■ ***set out in Annex II.***

***Article 34a***  
***Entry/Exit scheme***

1. ***Member States shall manage entries into their fleets and exits from their fleets in such a way that the entry into the fleet of new capacity without public aid is compensated by the previous withdrawal without public aid of at least the same amount of capacity.***
2. ***Implementing rules for the application of this Article may be adopted in accordance with the procedure laid down in Article 56 (2).***
3. ***After five years following the entry into force of this Regulation, the Commission shall evaluate the Entry/Exit scheme in light of the evolving relationship between fleet capacity and prospected fishing opportunities, and propose, where appropriate, an amendment to this scheme.***

[Article 35 merged with Article 34]

*Article 36*

***Fishing fleet registers***

13. Member States shall record the information on ***ownership, vessel and gear*** characteristics and ***on the*** activity of Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation.
14. Member States shall ***submit*** to the Commission the information referred to in paragraph 1.
15. The Commission shall ***maintain*** a Union fishing fleet register containing the information that it receives pursuant paragraph 2. ***It shall provide public access to the Union fishing fleet register, while ensuring that personal data is adequately protected.***
16. The Commission shall ***adopt implementing acts, establishing*** technical operational requirements for the ***recording*** of information, ***format and*** transmission modalities of the information referred to in paragraphs ***1 to 3***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56 (2).

**PART VI**

**SCIENCE BASE FOR FISHERIES MANAGEMENT**

*Article 37*

**Data requirements for fisheries management**

17. Member States shall, ***in accordance with the rules adopted in the area of data collection,*** collect biological, environmental, technical, and socio-economic data necessary for fisheries management, manage them and make them available to end users of scientific data, including bodies designated by the Commission. ***The acquisition and management of such data shall be eligible for funding through the EMFF according to the provisions of the EMFF Regulation.*** Those data shall in particular enable the assessment of:
  - (h) the state of exploited marine biological resources,
  - (i) the level of fishing and the impact that fishing activities have on the marine biological resources and on the marine eco-systems, and

- (j) the socio-economic performance of the fisheries, aquaculture and processing sectors within and outside Union waters.

18. **█** *The collection, management and use of data shall be based on the following principles:*

- (k) **█** *accuracy and reliability, and collection in a timely manner;*
- (l) *the use of coordination mechanisms with a view to avoiding duplication of data collection for different purposes;*
- (m) safe storage *and protection* of collected data *in computerised databases, and their public availability where appropriate, including at aggregated level to ensure confidentiality;*
- (n) **█** *access by* the Commission, or *by* bodies designated by it, **█** *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.*
- (da) *availability in a timely manner of the relevant data and the respective methodologies by which they are obtained, to bodies with a research or management interest in the scientific analysis of data in the fisheries sector and to any interested parties, save in circumstances where protection and confidentiality are required under applicable EU law.*

2a. *Member States shall submit annually to the Commission a report on the execution of their national data collection programmes and shall make it publicly available.*

*The Commission shall assess the annual report on data collection after consulting its scientific advisory body and where appropriate regional fisheries management organisations to which the EU is contracting party or observer and relevant international scientific bodies.*

19. Member States shall ensure the national coordination of the collection and management of scientific data for fisheries management, ***including socio-economic data***. 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.
20. Member States, ***in close cooperation with the Commission***, 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.
21. The collection, management and use of data shall be **■** ***carried out in a cost-effective manner***.
6. ***Failure by a Member State to collect and/or to provide data in a timely manner to an end-user may result in a proportionate suspension or interruption of relevant Union financial assistance to that Member State, in accordance with the provisions of the EMFF Regulation.***
7. **■**

#### ***Article 37a***

#### ***Consulting scientific bodies***

***The Commission shall consult appropriate scientific bodies. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall be consulted, where appropriate, on matters pertaining to the conservation and management of living marine resources, including biological, economic, environmental, social and technical considerations. Consultations of scientific bodies shall take into account the proper management of public funds, with the aim of avoiding duplication of work by such bodies.***

*Article 38*  
**Research and Scientific Advice**

22. Member States shall **carry out** fisheries **and aquaculture** research and innovation programs. They shall coordinate their fisheries research innovation **and scientific advice** programs with other Member States, **in close cooperation with the Commission, in the context of the** Union research and innovation frameworks, **involving, where appropriate, the relevant Advisory Councils. These activities shall be eligible to funding through the Union budget in accordance with the relevant Union legal acts.**
23. Member states shall, **with the involvement of the relevant stakeholders, utilising inter alia available Union financial resources and through coordination with one another,** ensure availability of relevant competences and human resources to be involved in the scientific advisory process.

PART VII  
EXTERNAL POLICY

*Article 38b*  
**Objectives**

1. **To ensure sustainable exploitation, management and conservation of marine biological resources and the marine environment, the Union shall conduct its external fisheries relations in accordance with international obligations and policy objectives, the objectives and principles set out in Articles 2 and 4.**
2. **In particular the Union shall:**
  - (a) **actively support and contribute to the development of scientific knowledge and advice;**
  - (b) **improve policy coherence of Union initiatives, with particular regard to environmental, trade and development activities and strengthen consistency of actions taken in the context of development cooperation and scientific, technical and economic cooperation;**

- (c) contribute to sustainable fishing activities that are economically viable and promote employment within the Union;*
  - (d) ensure that Union fishing activities outside Union waters are based on the same principles and standards as applicable Union legislation in the area of the Common Fisheries Policy while promoting a level playing field for EU operators vis-à-vis other third-country operators;*
  - (e) promote and support, in all international spheres, action necessary to eradicate IUU-fishing;*
  - (f) 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.*
- 3. The provisions of this Part shall be without prejudice to specific provisions adopted under Article 218 TFEU.*



# TITLE I

## INTERNATIONAL FISHERIES ORGANISATIONS

### *Article 39*

#### *Union activities in international fisheries organisations*

24. The Union shall **actively support and contribute to** the activities of international organisations dealing with fisheries, including regional fisheries management organisations (RFMOs) **.**
25. 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 **managed consistent with the objectives of Article 2, in particular with its paragraphs (2) and 4(b). The Union should seek to lead the process of strengthening the performance of RFMOs to better enable them to conserve and manage marine living resources under their purview.**
  - 2a. *The Union shall actively support the development of appropriate and transparent mechanisms for allocation of fishing opportunities.*
  3. *The Union shall foster cooperation among RFMOs, consistency between their respective regulatory frameworks, and shall support the development of scientific knowledge and advice to ensure that recommendations are based on such scientific advice.*

### *Article 40*

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

The Union shall, *including through the European Fisheries Control Agency*, cooperate with third countries and international organisations dealing with fisheries, including RFMOs, to strengthen compliance with measures , *especially those combating IUU fishing, to ensure that measures adopted by such international organisations are strictly adhered to.*

**TITLE II**  
**SUSTAINABLE FISHERIES *PARTNERSHIP* AGREEMENTS**

*Article 41*

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

26. Sustainable Fisheries Partnership Agreements with third countries shall establish a legal, environmental, economic and social governance framework for fishing activities carried out by Union fishing vessels in third country waters.

*Such frameworks may include:*

*(a) development and support for the necessary scientific and research institutions;*

*(b) monitoring, control and surveillance capabilities; and*

*(c) other capacity building elements concerning the development of a sustainable fisheries policy of the third country.*

27. *With the overall aim of ensuring the sustainable exploitation of surpluses of marine biological resources, the Union shall endeavour that the Sustainable Fisheries Partnership Agreements with third countries are of mutual benefit to the Union and the third country concerned, including its local population and fishing industry and that they contribute to continuing the activity of Union fleets and aim at obtaining an appropriate share of the available surplus, commensurate with the Union fleets' interest.*

*(2bis) With the overall aim of ensuring that Union vessels fishing under Sustainable Fisheries Partnership Agreements operate where appropriate under similar standards to union fishing vessels fishing in Union waters, the Union shall endeavour to include appropriate provisions on obligations to land into Sustainable Fisheries Partnership Agreements.*

28. Union fishing vessels shall only catch surplus of the allowable catch ■ as referred to in Article 62(2) *and* (3) of the United Nations Convention on the Law of the Sea, and 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 ■ about the total fishing effort on the affected stocks ■ *by all fleets. Concerning straddling or highly migratory fish stocks, the determination of the resources available for access should take due account of scientific assessments conducted at the regional level as well as conservation and management measures adopted by relevant RFMOs .*

3a. *Union fishing vessels may not operate in the waters of the third country with which a Sustainable Fisheries Partnership Agreement is in force unless they are in possession of a fishing authorisation which has been issued in accordance with a procedure agreed in the agreement;*

3b. *The Union shall ensure that Sustainable Fisheries Partnership Agreements include a clause concerning the respect for democratic principles and human rights; such clause constitutes an essential element of it.*

*These agreements shall also, to the extent possible, include:*

(a) *a clause prohibiting the granting of more favourable conditions to the different fleets fishing in those waters, than those granted to Union economic actors including those concerning the conservation, development and management of resources, financial arrangements, and fees and rights relating to the issuing of fishing authorisations;*

(b) *an exclusivity clause relating to the rule contained in paragraph 3a.*

3c. *Efforts 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 Partnership Agreements.*

3d. *Member States shall ensure that Union fishing vessels flying their flag and operating outside Union waters are in a position to provide detailed and accurate documentation of all fishing and processing activities.*

*3da. A fishing authorisation as referred to in paragraph 3a shall not be granted to a vessel which has left the Union fishing fleet register and subsequently returned to it within 24 months, unless the natural or legal beneficial owner of that vessel, has provided to the flag Member State competent authorities all data required to establish that, during that period, the vessel operated in a manner fully consistent with the standards applicable to a vessel flagged in the EU.*

*Furthermore, it must be established that, if the state granting the flag during the period that the vessel is off the EU register, became recognized under Union law as a non-cooperating state with regard to combating, deterring and eliminating IUU fishing, or as a state allowing for non-sustainable exploitation of living marine resources, the vessel's fishing operations ceased and the owner took immediate action to de-register the vessel from the register of that state.*

*3e. The Commission shall arrange for independent ex-ante and ex-post evaluations of each protocol to a Sustainable Fisheries Partnership Agreement, and make them available to the European Parliament and the Council in good time before it submits to the Council a recommendation to authorise the opening of negotiations for a successor protocol. A summary of such evaluations shall be made publicly available.*

#### *Article 42*

#### **Financial assistance**

1. The Union shall provide financial assistance to third countries through Sustainable Fisheries *Partnership* Agreements in order to:
  - (b) support part of the cost of access to the fisheries resources in third country waters; *the part of the cost of access to the fisheries resources to be paid by Union shipowners must be appraised for each Fisheries Partnership Agreement or a Protocol to it and shall be fair, non-discriminatory and commensurate to the benefits provided through the access conditions;*

(c) establish the governance framework, including the development and maintenance of the necessary scientific and research institutions, ***promote consultation processes with interest groups, and*** 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 **■ conditional** upon the achievement of specific results ***and complementary to and consistent with the development projects and programmes implemented in the third country in question***

2. ***Under each Sustainable Fisheries Partnership Agreement, the financial assistance for sectoral support shall be decoupled from payments for access to fisheries resources. The Union shall require specific results as a condition for payments under the financial assistance, and closely monitor progress.***

**TITLE III**  
**MANAGEMENT OF STOCKS OF COMMON INTEREST THAT ARE SHARED**  
**WITH THIRD COUNTRIES AND AGREEMENTS ON EXCHANGE AND JOINT**  
**MANAGEMENT**

*Article 42a*

*Principles and objectives of management of stocks of common interest that are shared with third countries and agreements on exchange and joint management*

- 1. Where stocks of common interest are also exploited by third countries, the Union shall engage with those third countries with a view to ensuring that these stocks are managed in a sustainable manner consistent with this Regulation, in particular with the objective in Article 2 (2). Where no formal agreement is reached, the Union shall make every effort to reach common arrangements for fishing of such stocks with a view to making the sustainable management possible, in particular, concerning the objective in Article 2(2), thereby promoting a level playing field for EU operators.*
- 2. In order to ensure a sustainable exploitation of stocks shared with third countries and to guarantee stability of the fishing operations of its fleets, the Union shall, in compliance with UNCLOS, endeavour to establish bilateral or multilateral agreements with third countries aiming at a joint management of stocks, including the establishment where appropriate of access to waters and resources and conditions for such access, harmonisation of conservation measures and exchange of fishing opportunities.*

## PART VIII

# AQUACULTURE

### *Article 43*

#### **Promoting *sustainable* aquaculture**

29. With a view to promoting sustainability and contributing to food security *and supplies*, growth and employment, *the Commission shall establish* non-binding Union strategic guidelines on common priorities and targets for the development of *sustainable* aquaculture activities. Such strategic guidelines shall take account of the relative starting positions and different circumstances throughout the Union *and* 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;
  - (aa) *reducing administrative burden and making the implementation of EU legislation more efficient and responsive to the needs of the stakeholders;*
  - (b) encouraging economic activity;
  - (c) diversification and improvement of the quality of life in coastal and *inland* areas;
  - (d) **█** *integrating aquaculture activities into maritime, coastal and inland spatial planning.*
30. Member States shall establish a multiannual national strategic plan for the development of aquaculture activities on their territory by **█** *no later than six months after the publication of this Regulation.*
31. The multiannual national strategic plan shall include the Member State's objectives and the measures *and the timetables required* to achieve them.

32. Multiannual national strategic plans shall aim in particular at the following:
- (d) administrative simplification, in particular regarding *evaluations and impact studies and* licenses;
  - (e) *reasonable* 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, *especially on marine biological resources and marine ecosystems* in neighbouring Member States;
- (da) the creation of synergy between national research programmes and collaboration between the industry and the scientific community;*
- (db) the promotion of the competitive advantage of sustainable, high quality food;*
- (dc) The promotion of aquaculture practices and research with a view to enhancing positive effects on the environment and on the fish resources, and reducing negative impacts, including reducing pressure on fish stocks used for feed production, and increasing resource efficiency.*
33. Member States shall exchange information and best practices through an open method of coordination of the national measures contained in multiannual *national* strategic plans.
34. *The Commission shall encourage the exchange of information and best practices among Member States and facilitate a coordination of national measures foreseen in the multiannual national strategic plan.*

#### *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 **■** objectives laid down in Article 2 **■**, *and in particular to the sustainable exploitation of living marine biological resources*;
  - (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 *and stability* of the markets, in particular as regards economic knowledge and understanding of the Union markets for fishery and aquaculture products along the supply chain, *the balance of distribution of added value along the sector's value chain and consumer information and awareness, by means of notification and/or labelling providing comprehensible information*;
  - (e) contribute to ensuring a level playing field for all products marketed in the Union by promoting sustainable exploitation of fisheries resources;
    - (ea) *contribute to ensuring that consumers have a diverse supply of fishery and aquaculture products*;
    - (ec) *provide for the consumer verifiable and accurate information regarding the origin of the product and its mode of production, in particular through marking and labelling.*

2. The common organisation of the markets shall apply to the fishery and aquaculture products listed in Annex I to Regulation (EU) No .../2013 [on the common organisation of the markets in fishery and aquaculture products]<sup>+</sup>, 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) *production and marketing plans of fishery and aquaculture producer organisations;***
  - (c) common marketing standards;
  - (d) *consumer information.***

## PART X

### CONTROL AND ENFORCEMENT

#### *Article 46*

#### **Objectives**

35. 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.
36. **■ *Control and enforcement of the Common Fisheries Policy*** shall in particular be based on ***and comprise the following:***
  - (a) a global, integrated ***and common*** approach;
  - (b) *cooperation and coordination between Member States, the Commission and the European Fisheries Control Agency;***
  - (c) *cost-efficiency and proportionality;***

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<sup>+</sup> OJ: Please insert number of this Regulation (2011/0194(COD)).

(d) the use of **efficient** control technologies for the availability and quality of data on fisheries;

*(da) a Union framework for control, inspection and enforcement*

(e) a risk-based strategy focused on systematic and automated cross-checks of all available relevant data;

(f) the development of a culture of compliance and *co-operation* among *all* operators and *fishermen*;

*The Union shall adopt appropriate measures with regard to third countries which allow non-sustainable fishing.*

*2a. Member States shall adopt appropriate measures for ensuring control, inspection and enforcement of activities carried out within the scope of the Common Fisheries Policy, including the establishment of effective, proportionate and dissuasive sanctions.*

*Article 46 a*  
*Expert group on Compliance*

- 1. An expert group on compliance shall be established by the Commission to assess, facilitate and strengthen the implementation of, and compliance with, the obligations under the Union fisheries control system.*
- 2. The expert group on compliance shall be composed of representatives of the Commission and the Member States. Upon request of the European Parliament, the Commission may invite the European Parliament to send experts to attend meetings of the expert group. The European Fisheries Control Agency may assist the expert group on compliance meetings as an observer.*

3. *The expert group shall in particular:*
  - (a) *review regularly issues of compliance and implementation under the Union fisheries control system and identify possible difficulties of common interest in implementing CFP rules;*
  - b) *formulate advice in relation to the implementation of CFP rules, including prioritization of EU financial assistance; and*
  - c) *exchange information on control and inspection activities, including the fight against IUU fishing.*
4. *The European Parliament and the Council shall be kept fully informed on a regular basis by the expert group on compliance activities referred to in paragraph 3.*

*Article 47*

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

The Commission and the Member States may carry out pilot projects on new control technologies and systems for data management.

*Article 48*

**Contribution to control, inspection, enforcement and data collection costs**

Member States may require **■ their operators ■** to contribute proportionally to the *operational* costs of implementing the Union fisheries control system *and of data collection*

## **PART XI**

### **FINANCIAL INSTRUMENTS**

#### *Article 49*

#### **Objectives**

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

#### *Article 50*

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

37. *In accordance with the conditions to be specified in the applicable Union legal acts*, Union financial assistance towards Member States shall be conditional upon compliance with the rules of the Common Fisheries Policy by Member States.
38. 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, *gravity*, duration and repetition of the non compliance.

#### *Article 51*

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

39. *In accordance with the conditions to be specified in the applicable Union legal acts*, Union financial assistance towards operators shall be conditional upon compliance with the rules of the Common Fisheries Policy by operators.

40. ***Subject to specific rules to be adopted***, 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, ***taken by the Member State***, shall be ***dissuasive, effective and*** proportionate to the nature, ***gravity***, duration and repetition of serious infringements.
41. 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.

#### *Article 52*

#### **Advisory Councils**

1. Advisory Councils are established for each of the ***geographical*** areas or ***fields*** of competence set out in Annex III, to promote a balanced representation of all stakeholders ***in accordance with Article 54(1)*** and to contribute to the achievement of the objectives set out in Article 2.
  - 1a. ***In particular, the following new Advisory Councils shall be established, in accordance with Annex III:***
    - (a) ***an Advisory Council for the outermost regions, divided into three sections for each of the following sea basins: West Atlantic, East Atlantic and Indian Ocean;***
    - (b) ***an Advisory Council for aquaculture;***
    - (c) ***an Advisory Council for markets;***
    - (d) ***an Advisory Council for the Black Sea.***
2. **■**
3. Each Advisory Council shall establish its rules of procedure.

### Tasks of Advisory Councils

**-1. In the application of this Regulation the Commission should consult where relevant the Advisory Councils.**

1. Advisory Councils may:

- (c) submit recommendations and suggestions on matters relating to ***the management of fisheries and the socio-economic and conservation aspects of*** fisheries and aquaculture to the Commission, ***and*** to the Member State concerned. ***In particular, Advisory Councils may submit recommendations on how to simplify rules on fisheries management.***
- (d) inform the Commission and Member States of problems relating to ***the management and the socio-economic and conservation aspects of*** fisheries and, ***where appropriate, of*** aquaculture in their ***geographical area or field*** of competence ***and propose solutions to overcome these problems;***
- (e) contribute, in close cooperation with scientists, to the collection, supply and analysis of data necessary for the development of conservation measures.

***If an issue is of common interest to two or more Advisory Councils, they shall coordinate their positions with a view to adopting joint recommendations on that issue.***

**2. Advisory Councils shall be consulted on joint recommendations pursuant to Article 17. They may also be consulted by the Commission and by the Member States in respect of other measures. Their advice shall be taken into account. These consultations shall be without prejudice to the consultation of the STECF or other scientific bodies. The opinions of the Advisory Councils may be submitted to all Member States concerned and the Commission.**

3. The Commission and, where relevant, the Member State concerned, shall reply within *two months* to any recommendation, suggestion or information received pursuant to paragraph 1. *Where the final measures adopted diverge from the Advisory Councils' opinions, recommendations and suggestions received pursuant to paragraph 1, the Commission or the Member State concerned shall state detailed reasons why they diverge.*

*Article 54*

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

1. *In accordance with Annex III, Advisory Councils shall be composed of:*
  - (a) organisations representing the fisheries **■** *and, where appropriate, aquaculture operators, and representatives of the processing and marketing sectors;*
  - (b) *other interest groups affected by the Common Fisheries Policy, for example, environmental organisations and consumer groups.*
2. Each Advisory Council shall consist of a general assembly and an executive committee and shall adopt the measures necessary for its organisation **■**, *including, as appropriate, a secretariat and working groups to deal with issues of regional cooperation referred to in Title III.*
3. *Advisory Councils shall function and receive finances in accordance with Annex III.*
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning *details of* the functioning of Advisory Councils.



## PART XIII

### PROCEDURAL PROVISIONS

#### *Article 55*

#### **Exercise of delegation**

42. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
43. The delegation of power referred to in Articles 12 (3), *15(1bis)*, *15(1ter)*, *15(3a)*, *15(3b)*, *54(4)* shall be conferred for *a period of five years from ...\**. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
44. The delegation of power referred to in **■ *this Regulation*** may be revoked at any time by the European Parliament or by the Council. A decision **■ *to revoke*** 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.
45. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
46. A delegated act adopted pursuant to **■ *this Regulation*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *two* 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 *two* months at the initiative of the European Parliament or *of* the Council.

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\* OJ: Please insert date of entry into force.

*Article 56*

**Implementation**

1. 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.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

*Where the committee delivers no opinion on a draft implementing act to be adopted pursuant to Article 34a, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.*

3. *Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.*

## Part XIV

### FINAL PROVISIONS

#### *Article 57*

#### **Repeals and amendments**

47. Regulation (EC) No 2371/2002 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

48. Decision (EC) No 2004/585 is hereby repealed with effect from the entry into force of the rules adopted under Article **■ 54(4)**.

49. Article 5 of Regulation (EC) No 1954/2003 shall be deleted.

50. **■**

51. Regulation (EC) No 639/2004 is repealed.

52. *A new paragraph 3a is added to Article 105 of Regulation 1224/2009 as follows:*

*"By way of derogation from paragraph 2 and 3, no multiplying factor is applied to catches which are subject to a landing obligation in accordance with Article 15 of the Regulation of the European Parliament and of the Council on the Common Fisheries Policy<sup>20</sup>, provided that the extent of overfishing relative to the permitted landings does not exceed 10%."*

[Article 58 deleted]

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<sup>20</sup> OJ: insert reference to this Regulation

*Article 58a*  
*Review*

*The Commission shall report to the European Parliament and to the Council on the operation of the Common Fisheries Policy before the end of 2022.*

*Article 58b*  
*Annual report*

*The Commission shall report annually to the Council and the European Parliament on the progress on delivery of maximum sustainable yield and the situation of fish stocks, as early as possible following the adoption of the yearly Council Regulation fixing the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters.*

*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 **2014**, *with the exception of Articles 34a (2), 36 (4) and 54 (4) [which shall apply from the day of entry into force of this Regulation].*

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**<sup>21</sup>

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

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

**A. ACCESS FOR FRANCE**

Geographical area	Species	Importance or particular characteristics
<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	Unlimited
	Scallops	Unlimited
	Lobster	Unlimited
	Crawfish	Unlimited
6. Longships south-west Hartland Point north-west	Demersal	Unlimited
	Crawfish	Unlimited
	Lobster	Unlimited
7. Hartland Point to a line from the north of Lundy Island	Demersal	Unlimited
8. From a line due west Lundy Island to Cardigan Harbour	All species	Unlimited
9. Point Lynas North Morecambe Light Vessel east	All species	Unlimited
10. County Down	Demersal	Unlimited
11. New Island north-east Sanda Island south-west	All species	Unlimited
12. Port Stewart north Barra Head west	All species	Unlimited
13. Latitude 57°40'N Butt of Lewis west	All species, except shellfish	Unlimited
14. St Kilda, Flannan Islands	All species	Unlimited
15. West of the line joining Butt of Lewis lighthouse to the point 59°30'N-5°45'W	All species	Unlimited

<sup>21</sup> [Note: a) Correction concerning the coastal waters of Denmark  
b) During finalisation by lawyer-linguists, coastal waters of Croatia and Slovenia to be added in Annex I from point 5.1 of Annex III to the Act of accession of the Republic of Croatia, OJ L 112, 24.4.2012, p. 21.]

## B. ACCESS FOR IRELAND

Geographical area	Species	Importance or particular characteristics
<b>United Kingdom coast (6 to 12 nautical miles)</b>		
1. Point Lynas north	Demersal	Unlimited
Mull of Galloway south	Nephrops	Unlimited
2. Mull of Oa west	Demersal	Unlimited
Barra Head west	Nephrops	Unlimited

## C. ACCESS FOR GERMANY

Geographical area	Species	Importance 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	Unlimited
	Mackerel	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	Herrings	Unlimited
2. Berwick upon Tweed east, Flamborough Head east	Herrings	Unlimited
3. North Foreland east, Dungeness new lighthouse south	Herrings	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	Herrings	Unlimited
2. Cromer north North Foreland east	Demersal	Unlimited
3. North Foreland east Dungeness new lighthouse south	Demersal	Unlimited
	Herring	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

Geographical area	Species	Importance or particular characteristics
<b>Irish coast (6 to 12 nautical miles)</b>		
1. Erris Head north-west Sybil Point west	Demersal	Unlimited
	Nephrops	Unlimited
2. Mizen Head south Stags south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
3. Stags south Cork south	Demersal	Unlimited
	Nephrops	Unlimited
	Mackerel	Unlimited
	Herring	Unlimited
4. Cork south, Carnsore Point south	All species	Unlimited
5. Carnsore Point south, Haulbowline south-east	All species, except shellfish	Unlimited

### 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	Herrings	Unlimited
Carnsore Point south	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 Carnsore Point south	Herring	Unlimited
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 area	Member State	Species	Importance or particular characteristics
North Sea coast (Danish/German frontier to Hanstholm) (6 to 12 nautical miles)			
Danish/German frontier to Blåvands Huk	<b>Germany</b>	<b>Flatfish</b>	<b>Unlimited</b>
		<b>Shrimps and prawns</b>	<b>Unlimited</b>
	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
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

<b>Geographical area</b>	<b>Member State</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
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 Zealand 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 (*) 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

<b>Geographical area</b>	<b>Member State</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
North Sea coast (3 to 12 nautical miles) all coasts	Denmark	Demersal	Unlimited
		Sprat	Unlimited
		Sandeel	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

Geographical area	Member State	Species	Importance or particular characteristics
(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 species	Unlimited
(*) 3 to 12 miles around Bogskär Isles.			

## 10. COASTAL WATERS OF SWEDEN

<b>Geographical area</b>	<b>Member State</b>	<b>Species</b>	<b>Importance or particular characteristics</b>
Skagerrak (4 to 12 nautical miles)	Denmark	All species	Unlimited
Kattegat (3 (*) 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\***

<b>Capacity ceilings (based on the situation on 31 December 2010)</b>		
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

\* *[Figures to be updated at a later stage]*



<b>Capacity ceilings (based on the situation on 31 December 2010)</b>		
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

#### *1. Name and area of competence*

<b>Name of the Advisory Council</b>	<b>Area of competence</b>
Baltic Sea	ICES <sup>22</sup> zones IIIb, IIIc and IIId
<b><i>Black Sea</i></b>	<b><i>GFCM geographical sub-area as defined in Resolution GFCM/33/2009/2</i></b>
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>23</sup> zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)
<b><i>Outermost regions</i></b>	<b><i>Union waters around the outermost regions as referred to in Article 349 paragraph 1 of the Treaty divided into three sea basins: West Atlantic, East Atlantic, Indian Ocean</i></b>
Pelagic stocks (blue whiting, mackerel, horse mackerel, herring, <b><i>boarfish</i></b> )	All <b><i>geographical</i></b> areas excluding the Baltic Sea and the Mediterranean Sea
High seas/long distance fleet	All non Union-waters
Aquaculture	Aquaculture, as defined in Article 5
<b><i>Markets</i></b>	<b><i>All market areas</i></b>

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<sup>22</sup> ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009.

<sup>23</sup> CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009.

## 2. *Functioning and funding*

- a) *In the general assembly and executive committee, 60% of the seats shall be allotted to representatives of fishermen and for the Aquaculture Advisory Council, aquaculture operators, and representatives of the processing and marketing sectors, and 40% to representatives of the other interest groups affected by the Common Fisheries Policy, for example environmental organisations and consumer groups.*
- b) *Except for the Advisory Council for Aquaculture and for the Advisory Council for Markets, at least one representative of the catching subsector from each Member State concerned shall be member of the executive committee.*
- c) *The members of the executive committee shall, where possible, adopt recommendations by consensus. If no consensus can be reached, dissenting opinions expressed by members shall be recorded in the recommendations adopted by the majority of the members present and voting.*
- d) *Each Advisory Council shall designate a chairperson by consensus. The chairperson shall act impartially.*
- e) *Each Advisory Council shall adopt the measures necessary to ensure transparency and the respect of all opinions expressed.*
- f) *Recommendations adopted by the executive committee shall be made available immediately to the general assembly, the Commission, Member States concerned and, upon request, to any member of the public.*
- g) *The meetings of the general assembly shall be open to the public. The meetings of the executive committee shall be open to the public unless, in exceptional cases, decided otherwise by a majority of the executive committee.*
- h) *European and national organisations representing the fisheries sector and other interest groups may propose members to the Member States concerned. These Member States shall agree on the members of the general assembly.*
- i) *Representatives of national and regional administrations that have fisheries interests in the area concerned and researchers from the Member States' scientific and fisheries research institutes and from the international scientific institutions that advise the Commission shall be allowed to participate in Advisory Council meetings as active observers. Any other qualified scientist may also be invited.*
- j) *Representatives of the European Parliament and of the Commission may take part as active observers in Advisory Council meetings.*
- k) *When issues that affect them are discussed, representatives of the fisheries sector and other interest groups from third countries, including representatives from RFMOs, that have a fishing interest in the area or fisheries covered by an Advisory Council, may be invited to participate as active observers.*

- l) Advisory Councils may apply for Union financial assistance as bodies pursuing an aim of general European interest.*
  - m) The Commission shall sign a grant agreement with each Advisory Council to contribute to its operational costs, including translation and interpretation costs.*
  - n) The Commission may carry out all verifications it considers necessary to ensure compliance with the tasks assigned to the Advisory Councils.*
  - o) Each Advisory Council shall transmit annually its budget and a report of its activities to the Commission and to the Member States concerned.*
  - p) The Commission or the Court of Auditors may, at any time, arrange for an audit to be carried out either by an outside body of its choice or by the Commission or the Court of Auditors departments themselves.*
  - q) Each Advisory Council shall appoint a certified auditor for the period during which it benefits from Community funds.*
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**Draft Council Statement on multi-annual plans**

The Council is committed to working with the European Parliament and the Commission to address inter-institutional issues and agree a way forward that respects the legal position of both the Parliament and the Council to facilitate the development and introduction of multi-annual plans on a priority basis under the terms of the Common Fisheries Policy.

The Council further proposes that an inter-institutional taskforce be established to help find the most appropriate way forward.

**Draft Statement of the European Parliament and of the Council on data collection**

The European Parliament and Council request the Commission to fast track the adoption of a proposal to amend EU Regulation 199/2008 in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new CFP Reform Regulation can be given practical effect as early as possible.

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