EU bibliographies: Proposed reform of the Common Fisheries Policy

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Section International Affairs and Defence Section

This Note brings together documents relevant to the proposals to reform the Common Fisheries Policy and its scrutiny in the UK and EU. It is not an attempt to define policy in this area. For information on policy developments contact Oliver Bennett on extn 2263.

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1 Background to the reform "package"

Green paper of the reform of the Common Fisheries Policy 22 April 2009. 8799/2009, COM(2011)804.

Joint Declaration of Austria, Czech Republic, Hungary, Luxembourg and Slovakia on the future role of the Freshwater Aquaculture and Inland Fishery within the CFP Reform presented to Council 14 April 2011.Council number 8081/2011.

Communication from the Commission concerning a consultation on Fishing Opportunities. 27 May 2011. 10836/2011, COM(2011)298

2 Proposed reform of the Common Fisheries Policy

The European Commission presented a "package" of proposals for legislation and communications to the Agriculture and Fisheries Council of 19 July 2011. A further proposal on the financial framework was presented on 2 December 2011.

Proposals for legislation

Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy (presented 19 July 2011) 12514/2011, COM((2011)425. This proposal replaces the basic provisions of the Common Fisheries Policy (repealing Regulation(EC) 2371/2002).

Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products (presented 19 July 2011) 12516/2011, COM(2011)416. This proposal focuses on market policy issues.

Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation(EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy (presented 2 December 2011) 17870/2011, COM(2011)804. This proposal replaces the existing European Fisheries Fund by integrating current CFP and IMP financial instruments into one fund, (with the exception of Sustainable Fisheries Agreements (SFAs) and the compulsory contribution to Regional Fisheries Management Organisation -RFMOs).

Communications from the Commission

Communication from the Commission to the European Parliament and the Council on the External dimension of the Common Fisheries Policy (Council No:12517/2011, COM(2011)424

Report from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on Reporting Obligations under Council Regulation (EC) N°2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy 12518/2011, COM(2011)418

Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - Reform of the Common Fisheries Policy 12519/2011, COM(2011)417

2.1 Treaty base

The proposals are based on Article 43(2) of the Treaty on the Functioning of the European Union. In addition Article 42, Article 91(1), Article 100(2), Article 173(3), Article 175, Article 188, Article 192(1), Article 194(2) and Article 195(2) are relevant to the proposal on the European Maritime and Fisheries Fund (17870/2011).

2.2 Related documents

EU related documents

European Parliament Library, A new framework for the Common Fisheries Policy

European Commission website on CFP reform

Proposal on Common Fisheries policy (12514/2011)

Impact assessment accompanying the proposal SEC(2011)891.

Summary of impact assessment – SEC(2011)892.

Addendum to summary of impact assessment

Proposal on common organisation of the markets (12516/2011)

Impact assessment accompanying the proposal SEC(2011)883

Summary of impact assessment SEC(2011)884

Proposal on the European Maritime and Fisheries Fund (17870/2011)

Impact assessment accompanying the proposal SEC(2011)1416

Summary of impact assessment SEC(2011)1417

UK Government related documents

The lead Department is the Department for Environment, Food and Rural Affairs (DEFRA).

Consultation on Proposals relating to the common fisheries policy and the common organisation of the markets in fishery and aquaculture products closed 10 November 2011.

Summary of responses published 7 February 2012.

DEFRA website on Common Fisheries Policy includes:

- UK response to the Commission Green Paper submitted in December 2009
- Achieving sustainable fisheries through CFP reform discussion paper
    - Summary of the responses to the discussion paper
    - Feedback from the meetings on the discussion paper around the coast
    - Fisheries 2027 – a long-term vision for sustainable fisheries

3 EU Scrutiny

The draft Regulations are subject to the Ordinary Legislative Procedure (OLP), formerly known as the co-decision procedure. This procedure is outlined in Standard Note SN/IA/2120 The European Parliament: its role and powers. It is also explained with a graphic, on the *Europa* website.

3.1 European Parliament proceedings

Proposal on Common Fisheries policy (12514/2011)

Draft Report by the EP Committee on Fisheries (Rapporteur: Ulrike Rodust) published 2 May 2012.

Final Report A7-0008/2013 of EP Committee on Fisheries published 10 January 2013.

Legislative resolution adopted in Plenary Session of the European Parliament 6 February 2013.See also Press release.

Proposal on common organisation of the markets (12516/2011)

Report A7/217/2012 by the EP Committee on Fisheries (Rapporteur: Struan Stevenson) published 27 June 2012.

Legislative resolution adopted in Plenary Session of the European Parliament 12 September 2012.

Proposal on the European Maritime and Fisheries Fund (17870/2011)

Draft Report by the EP Committee on Fisheries (Rapporteur: Alain Cadec) published 4 September 2012.

Vote on final Committee report currently scheduled for 22 April 2013.

3.2 Council of Ministers proceedings

The proposals were discussed in Agriculture and Fisheries Council 19 July 2011 , 15 December 2011, 19 March 2012, 26-27 April 2012, 14 May 2012, 25 September 2012, 22 October 2012, and 28 January 2013. A Presidency progress report (10276/1/12) was issued on 7 June 2012.

An first partial agreement on general approach was reached on 14 June 2012 Council document 11322/12. See also press release for that date. A second general approach and political agreement on the CFP basic provisions was reached on 27 February 2013.

3.3 Other EU institutions

European Economic Social Committee

Opinion on Proposal on Common Fisheries Policy (12514/2011), proposal on Common organisation of the markets (12516/2011), and Commission Communications 12517/2011 and 12519/2011 in OJC 181 of 21 June 2012.

Opinion on Proposal on the European Maritime and Fisheries Fund (17870/2011) in OJC 299 of 4 October 2012.

Committee of the Regions

Opinion of the Committee of the Regions on 'Legislative proposals on the reform of the common fisheries policy' (covers Proposal on Common Fisheries Policy (12514/2011),

proposal on Common organisation of the markets (12516/2011), and Commission Communications 12517/2011 and 12519/2011) in OJC 225 of 27 July 2012.

Opinion of the Committee of the Regions on the 'European Maritime and Fisheries Fund (EMFF) (17870/2011) in OJC 391 of 18 December 2012.

4 UK Parliament Scrutiny

For a description of the scrutiny process for EU documents within Parliament see The European Scrutiny System in the House of Commons: a short guide for Members of Parliament by the staff of the European Scrutiny Committee and Scrutiny Flowchart for House of Lords. For general background to the EU scrutiny see Research Paper 05/85 *The UK Parliament and European Business*.

4.1 House of Commons European Scrutiny Committee

Proposal on Common Fisheries policy (12514/2011)

Explanatory memorandum issued by the Dept of Environment, Food and Rural Affairs 16 August 2011 (also covers Commission Communications 12517/2011 and 12519/2011 and Commission report 12518/2011).

Ministerial Correspondence dated 11 October 2011, 24 October 2011, 27 October 2011, 12 June 2012, 24 June 2012, 23 January 2013, 6 February 2013,

European Scrutiny Committee 41st Report HC 428-xxxvi 2010-12 14 September 2011.

European Scrutiny Committee 45th Report HC 428-xl 2010-2012 2 November 2011.

European Scrutiny Committee 7th Report HC 86-vii 2012-13 4 July 2012.

Debated in European Committee A 7 November 2011

Proposal on common organisation of the markets (12516/2011)

Explanatory memorandum issued by the Dept of Environment, Food and Rural Affairs 16 August 2011

Ministerial correspondence dated 24 October 2011, 11 June 2012, 24 June 2012, 23 July 2012, 26 November 2012, 31 December 2012, 23 January 2013, and 6 February 2013.

European Scrutiny Committee 42nd Report HC 428-xxxvii 2010-12 12 October 2011.

European Scrutiny Committee 7th Report HC 86-vii 2012-13 4 July 2012.

European Scrutiny Committee 22nd Report HC 86-xxii 2012-13 5 December 2012

European Scrutiny Committee 27th Report HC 86-xxvii 2012-13 16 January 2013

Proposal on the European Maritime and Fisheries Fund (17870/2011)

Explanatory memorandum issued by the Dept of Environment, Food and Rural Affairs 12 January 2012.

Ministerial correspondence dated 9 October 2012, 1 November 2012, 26 November 2012, 23 January 2013, 6 February 2013.

European Scrutiny Committee 54th Report HC 428-xliv 2010-12 1 February 2012.

European Scrutiny Committee 19th Report HC 86-xix 2012-13 7 November 2012.

European Scrutiny Committee 21st Report HC 86-xxii 2012-13 5 December 2012.

Debated in European Committee A 8 January 2013.

4.2 House of Commons Environment, Food and Rural Affairs Committee

Environment, Food and Rural Affairs Committee, *EU proposals for reform of the Common Fisheries Policy,* 24 February 2012, HC 1563 2010-12. Volume I, Volume II, Volume III.

See also Common Fisheries Policy HC Deb 15 March 2012 cc431-485
Environment, Food and Rural Affairs Committee *EU proposals for reform of the Common Fisheries Policy, Government Response to the Committee's Twelfth Report of Session 2010-12,* 3 July 2012, HC 108 2012-13.

The Environment, Food and Rural Affairs Committee is conducting an ongoing follow-up Inquiry into the Common Fisheries Policy.

4.3 House of Lords

Proposal on Common Fisheries policy (12514/2011) and Proposal on common organisation of the markets (12516/2011)

Sifted to EU sub-Committee D Agriculture, Fisheries, Environment and Energy 23 August 2011.

Evidence from Richard Benyon MP, John Robbs and Andrew Clayton of DEFRA 12 July 2012.

Proposal on the European Maritime and Fisheries Fund (17870/2011)

Sifted to EU sub-Committee D Agriculture, Fisheries, Environment and Energy 24 January 2012.

5 Devolved assemblies and Executives

5.1 Scotland

Scottish Government

The Scottish Government's response to the European Commission's Green Paper on Reform of the Common Fisheries Policy

Scottish Government's topic page on Common Fisheries Policy reform.

Marine Scotland's topic sheet N104 v1 Common Fisheries Policy (CFP) Reform

Scottish Parliament

Scottish Parliament's Rural Affairs, Climate Change and Environment Committee (RACCE) Inquiry into the Common Fisheries Policy.

Scottish Parliament Information Centre *Common Fisheries Policy reform* SPICe Briefing 11/70

5.2 Wales

Welsh Assembly and Government

Report of National Assembly of Wales Common Fisheries Task and Finish Group Inquiry into proposed reforms to the Common Fisheries Policy

Welsh Government response to the National Assembly of Wales Common Fisheries Task and Finish Group Inquiry into proposed reforms to the Common Fisheries Policy

6 Comment

6.1 Parliamentary questions

Oliver Colvile (Plymouth, Sutton and Devonport) (Con): What recent discussions she has had on reform of the common fisheries policy.

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Richard Benyon): As UK Fisheries Minister, I continue to have discussions about the reform of the common fisheries policy with a wide range of people and organisations, including the EU Commission, Members of the UK and European Parliaments and ministerial colleagues from other member states, as well as representatives of fishing and related industries. I will continue to press our case for reform, as the negotiations develop in the Council and European Parliament.

Oliver Colvile: May I urge my hon. Friend to press for UK fishing waters to come back under UK control, and to sort out the loopy idea that the Austrians might end up having a vote on the common fisheries policy even though they do not have a single piece of coastline?

Richard Benyon: I understand my hon. Friend's concerns. That debate will perhaps be had at a higher level than mine, but he should remember two things. First, we are dealing with an industry in crisis, so urgency is a real factor for those involved in the fishing industry, both in his constituency and everywhere else. Secondly, we would need a mechanism for dealing with other countries whether we were covered by the common fisheries policy or not, because fish do not respect borders. We would have to continue to deal with historical fishing rights, which go beyond our membership of the common fisheries policy. I take seriously my responsibility, given the door that has been opened by the Commission's position on the subject, to push for real, genuine, radical reform that can improve the situation for fishermen and the marine environment.

Dr Eilidh Whiteford (Banff and Buchan) (SNP): Alongside CFP reform, the ongoing mackerel dispute with Iceland and the Faroe islands continues to cause great concern, not just for pelagic fishermen but for the white fish fleet and fish processors. Will the Minister update the House on the progress of negotiations with Iceland and tell us, in the event of a deal, what recompense will be made available to Scottish fishermen? Might it possibly take the form of additional quota?

Richard Benyon: I cannot give the hon. Lady that precise information at the moment. I can tell her that there has been a slight improvement in the relationship with the Icelanders, and I hope that we can build on that. I am still pessimistic about our discussions with the Faroese, but I assure her that I will keep her closely involved, because we are talking about our most valuable fishery. It is sustainable, and we face a severe risk of losing marine stewardship accreditation for the stock, which would cause great harm to her constituents and our economy.

Sheryll Murray (South East Cornwall) (Con): For the first time, I do not have to declare an interest in the subject.

Will the Minister update the House on any representations that he has made during the ongoing negotiations to enable the United Kingdom to introduce a higher standard of fisheries management for all fishing vessels fishing within our 12-mile limit, and say whether any member states have pledged support for that?

Richard Benyon: I continue to work with other member states to get across our view that where we are creating marine conservation zones outside the 6-mile limit, we

should not be controlling the activities of our fishermen while allowing fishermen from other countries to continue to operate as they did. There has to be a level playing field. On fisheries safety and the development of control orders, which came in under the previous Government, this is the opportunity to make sure that fishermen from other countries behave as we require our fishermen to behave. It is really important that we follow through with that. We have allies in Europe, and I am determined to make sure that an even-handed approach is taken.

HC Deb 13 October 2011 c462-3

Lord Kennedy of Southwark To ask Her Majesty's Government what action they are taking to reduce the discarding of fish

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Taylor of Holbeach): Discards are a clear waste of natural resources, disruptive to marine ecosystems and ethically undesirable. The UK is seeking fundamental reform of the Common Fisheries Policy (CFP) to minimise this wasteful practice, but we are also taking action now to cut discards and to gather the necessary evidence to reform the CFP.

The UK has run successful trials to test catch quota (CQ) management on North Sea cod in 2010, and extended these trials in 2011 to include Western Channel sole. CO is designed to measure quota uptake at point of capture rather than counting uptake by landings. Results to date are very positive. Initial findings from schemes run in England this year show only 0.25 per cent of total catches of prohibited species were discarded and overall catches of undersized fish of any species are low, indicating the effectiveness of selectivity measures. We are seeking to extend these trials in 2012, through negotiations with the European Commission and, in some instances, Norway, to test CO in mixed fisheries and in fisheries where discards are high.

We are also conducting a wide range of work to improve the selectivity of fishing gear, with the aim of getting fishermen to catch less unwanted fish in the first place. These include initiatives in the Irish Sea and the south-west (Project 50 per cent).

Following the Commission's proposals for reform of the CFP, from next year we will also aim to undertake discard ban trials to understand how a landing obligation can work in practice. These will be supported by studies on the survivability rates of certain species if they are discarded.

In addition, the UK's Fishing for the Market project was aimed at the market side of the industry and sought to increase consumer demand for underutilised, sustainable species that are often discarded. Defra is currently considering how recommendations can be taken forward in partnership with members of the seafood industry.

We are involving fishermen at every opportunity in work to cut discards. They are best placed to advise about what works in a fishery in practice as a one-size approach does not fit all.

HL Deb 21 November 2011 Col 189-90WA

Zac Goldsmith: To ask the Secretary of State for Environment, Food and Rural Affairs pursuant to the contribution by the Parliamentary Under-Secretary of State for Natural Environment and Fisheries of 14 July 2011, *Official Report,* columns 472-81, what progress her Department has made on negotiations for reform of the Common Fisheries Policy to restore UK control over its 12 nautical mile territorial waters.

Richard Benyon: As UK Fisheries Minister I am continuing to seek, through negotiations on the reform of the Common Fisheries Policy, a simplified and decentralised decision-making framework. As part of this I am pressing for clear arrangements providing for member states to take non-discriminatory measures for the conservation and management of fish stocks and to minimise the effect of fishing on the conservation of marine ecosystems within their 12 mile limits. Such measures should apply to all vessels fishing within that zone, no matter what member state they are from.

HC Deb 31 January 2012 c537W

Ian Paisley: To ask the Secretary of State for Environment, Food and Rural Affairs what measures his Department plans to carry out to implement the discard ban under the Common Fisheries Policy.
Richard Benyon: The UK successfully made the case for the phased introduction of a landing obligation for commercial fish species throughout EU waters in the General Approach on the draft Common Fisheries Policy Regulation that was agreed by European Fisheries Ministers in June 2012. Included within the General Approach are a number of provisions designed to support member states in the implementation of a discard ban.
However, the General Approach is not the end of the reform process, and the European Parliament will now give its views on the proposals. The regulation is not expected to be formally agreed until mid 2013. The UK continues to test fisheries management systems with fishermen, including Catch Quota management and the trial and introduction of selective gears to significantly reduce the level of discards. It is through such trials that we can gain accurate and practical information to implement any discard ban effectively.
Ian Paisley: To ask the Secretary of State for Environment, Food and Rural Affairs (1) to which geographical areas the discard ban to begin in 2015 will apply; (2) when he expects a discard ban to be fully implemented under the Common Fisheries Policy.
Richard Benyon: The UK successfully made the case for the phased introduction of a landing obligation for commercial fish species throughout EU waters in the General Approach on the draft Common Fisheries Policy (CFP) Regulation that was agreed by European Fisheries Ministers in June 2012. The General Approach includes a provisional date of 1 January 2014 for a landing obligation for pelagic species, with a phased introduction, starting in 2015 and fully in place by 2018, for other Northern Atlantic .fisheries. For other waters, including the Mediterranean and Black Sea, the provisional phase-in period is from 2016 to 2019.
These dates are not yet agreed, however, as the relevant provisions are still under negotiation. The European Parliament is also now considering the CFP proposals.

HC Deb 7 September 2012 c514-5W

6.2 Statements

Statement on Common Fisheries Policy in response to Urgent Question HC Deb 14 July 2011 c417-482.

Agriculture and Fisheries Council
The Secretary of State for Environment, Food and Rural Affairs (Mrs Caroline Spelman): The Agriculture and Fisheries Council on Tuesday 12 June in Luxembourg dealt only with fisheries business. The Under-Secretary of State for Environment, Food and Rural Affairs, my hon. Friend the Member for Newbury (Richard Benyon) represented the UK. Richard Lochhead MSP and Alun Davies AM were also in attendance.
The agenda was confined to discussion of the three main common fisheries policy (CFP) reform regulations. Following previous discussions of key aspects of the package at Council in March, April and May, the presidency aimed to agree Council general approaches on the CFP basic regulation and common market organisation (CMO) proposals. The presidency also submitted a progress report for Council to note on the later proposal for a European maritime and fisheries fund (EMFF), on which there had been insufficient time for agreement to be reached.
Following an initial table round it was clear that the main outstanding issues on the compromise texts related to discards, maximum sustainable yield (MSY), and regionalisation. On discards, a significant number of member states were opposed to early deadlines for the introduction of landing obligations, or opposed to legal provisions on the elimination of discards in principle. On MSY, some member states were reluctant to agree challenging targets and raised concerns about practical implications in specific fisheries. Many member states expressed concerns about the role of the Commission under a regionalised process.

> Discussions of these issues continued throughout the day and into the early hours of the following morning with the presidency pushing hard for agreement to a general approach. The UK played a major role in the process, forming alliances in support of our objectives and helping to shape the final compromise texts.
> Council eventually reached agreement on a general approach on the CFP reform regulations which met many of the UK's objectives. The agreement included introduction of a discard ban by 1 Jan 2014 for pelagic stocks and phased introduction beginning in 2015 and fully in place by 2018 for other UK fisheries; deadlines for the achievement of maximum sustainable yield (MSY) levels in fisheries by 2015 where possible, and by 2020 at the latest; and agreement on the processes to regionalise decision making in line with the proposals the UK had developed with other member states. This was an important first step in securing genuine and effective CFP reform. The final agreement through co-decision with the European Parliament is not expected to be concluded until late 2013.
>
> HC Deb 27 June 2012 c11WS

6.3 EU Observer

EU observer is an independent news service founded in 2000 "to support the debate on - and development of European affairs".

EU's new fisheries policy: throwing a lifeline to the oceans 13 September 2011

EU fisheries: little learned 20 years later 11 June 2012

EU accused of hypocrisy over weak fish deal 13 June 2012

EU fisheries reform losing momentum. 20 August 2012.

Sea of subsidies. 8 October 2012.

MEPs back end to fish discard 'madness' 7 February 2013

6.4 EurActiv

EurActiv is an independent organisation which runs a website specialising in EU news and analysis.

Iceland offers to help fisheries reform 28 February 2012

Current EU fisheries policy is unsustainable study says 7 November 2012

EU Proposes overhaul of failing fisheries policy 7 November 2012