

Opinion of the European Economic and Social Committee on the ‘Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products’

COM(2011) 416 final,

‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Reform of the common fisheries policy’

COM(2011) 417 final,

‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on “External Dimension of the common fisheries policy”’

COM(2011) 424 final,

and the ‘Proposal for a Regulation of the European Parliament and of the Council on the common fisheries policy’

COM(2011) 425 final

(2012/C 181/33)

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On 1 September, 13 September and 5 October 2011 respectively, the Council of the European Union and the European Parliament with regard to proposals COM(2011) 416 final and COM(2011) 425 final and the Commission, with regard to proposals COM(2011) 417 final and COM(2011) 424 final, decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Proposal for a Regulation of the European Parliament and of the Council on the Common Organisation of the Markets in Fishery and Aquaculture Products

COM(2011) 416 final

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Reform of the Common Fisheries Policy

COM(2011) 417 final,

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions

on External Dimension of the Common Fisheries Policy

COM(2011) 424 final and the

Proposal for a Regulation of the European Parliament and of the Council on the Common Fisheries Policy

COM(2011) 425 final.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 14 March 2012.

At its 479th plenary session, held on 28 and 29 March 2012 (meeting of 28 March), the European Economic and Social Committee adopted the following opinion by 152 votes to 5, with 14 abstentions.

1. Conclusions

1.1 The EESC agrees with the Commission on the need to propose that the Common Fisheries Policy (CFP) and the Common Organisation of the Markets (COM) be reviewed simultaneously, thereby enhancing the necessary integration, coherence and coordination of the production, processing and marketing aspects of fishing, aquaculture and shellfishing.

1.2 Overall, the EESC agrees with the proposal's general and specific objectives, as well as its principles of good governance. The CFP must guarantee that fishing and aquaculture activities create long-term sustainable environmental, economic and social conditions and that they contribute to the availability of food, applying the precautionary principle and an ecosystem-based approach.

1.3 However, the EESC does not believe that the proposal for a Regulation lays down the fisheries management measures needed to fully restore and maintain fish stocks to levels above those capable of producing the maximum sustainable yield (MSY), ensure healthy and high-quality fishery and aquaculture products for citizens, to contribute to the prosperity of fishing communities and the viability of production and processing companies and provide jobs that are attractive and more secure.

1.4 The Committee welcomes the general provisions regarding access to EU waters, which are already in force and which benefit local fishing communities more.

1.5 The Committee approves of the types of conservation and technical measures proposed, which will have to be adapted to the different forms of fishing.

1.6 The EESC supports the proposal to establish multiannual plans with the aim of restoring and maintaining, as far as possible, all fish stocks above levels which can produce the MSY by 2015. Though laudable, this objective is difficult to apply in the case of mixed fisheries, and the EESC therefore calls upon the Commission to provide practical solutions to resolve any problems which may arise in those forms of fishery.

1.7 The EESC considers it a priority for the Member States, backed by the Commission, to provide scientific institutes with the resources they need to meet applied research needs and to deal with all commercially-fished species and associated and dependent species and their environment.

1.8 With regard to the policy of banning discards, the EESC welcomes this objective, but advocates a more gradual and proportionate approach, based on progressively reducing discards, promoting and encouraging more selective fishing gear, implementing measures designed to process fisheries products in a manner that offers added value, searching for market outlets and adapting the infrastructure of vessels and fishing ports.

1.9 The EESC believes that the proposal does not introduce sufficient regionalisation and offers no measures for decentralisation.

1.10 With regard to relative stability and its application in the allocation of fishing opportunities to the Member States, the Committee would stress the need to update this principle, since it is out of date and no longer reflects the real situation of fishing fleets and areas highly dependent on fishing. Moreover, the Committee suggests that allocation of fishing opportunities, once the principle of relative stability has been updated, should be based primarily on a set of transparent environmental, economic and social criteria.

1.11 The Committee finds the proposal relating to transferable fishing concessions to be confused and believes that the Commission should clarify the interpretation of the relevant articles, particularly in relation to the definition of 'transparent and objective criteria' for the allocation of concessions. The Committee also calls for this measure's impact on employment to be taken into account and for specific measures to be provided for employed fishermen.

1.12 With regard to the management of fishing capacity, the EESC believes that the Commission should carry out, by 2014 at the latest, a detailed assessment of fishing capacity, covering not only power and tonnage, but also types of fishing gear and other vessel characteristics, and that Member States should be obliged to align fishing capacity with available resources on the basis of this assessment.

1.13 In relation to ecosystem-based fisheries management, the Committee considers it crucial that data collection include the greatest possible amount of environmental data in accordance with the Marine Strategy Framework Directive and the GES (Good Environmental Status) criteria.

1.14 The EESC agrees in general terms with the Commission's proposals regarding external policy. It has concerns, however, regarding certain issues mentioned in point 3.7.9 of this opinion.

1.15 The EESC applauds the Commission's recognition of the common European dimension of aquaculture policy. The EESC calls for the strengthening of environmental control and the creation of a streamlined administrative framework and a single legal area in order to develop a sustainable aquaculture sector that can help maintain the population and generate wealth in outlying and rural regions, while also respecting and fitting in with the local environment.

1.16 With regard to the new financial instrument, the EESC believes that the role of fishermen and fishing communities in the sustainable development of coastal areas should be boosted and that this should include social measures, particularly support measures in cases of job losses and assistance with training and redeployment, placing the emphasis on young people and women.

1.17 The EESC is disappointed that the proposal does not address the social dimension, which is taken into account throughout the fisheries and aquaculture sector (production, processing and marketing), and puts forward no concrete measures to improve working and living conditions and believes that the participation of the social partners at the appropriate level should be promoted.

1.18 The EESC calls upon the Commission to take account of the range of demands expressed by the sectors' different stakeholders. The reform of the CFP should meet the needs of both shipowners and crews.

1.19 The EESC believes that a definition of small-scale fishing based solely on vessel length is too simplistic and results in a large proportion of the small-scale fleet falling into the category of industrial fishing.

1.20 The EESC supports the objectives and principles governing the new COM regulation and urges the Commission to take account of the Committee's views expressed in this opinion.

1.21 In order to prevent unfair competition on the EU market, the EESC recommends that imported products be subject to the same hygiene and health and monitoring requirements as EU products, including full 'sea-to-table' traceability, and calls for exhaustive controls, at borders and at origin, to ensure full compliance with these rules, which contribute to food safety. In this regard, the Committee feels that a consistent approach should be established amongst the European Commission's various Directorates-General.

1.22 The EESC stresses that all these proposals also apply to freshwater fishing and aquaculture and calls on the Commission to devote appropriate attention to the specific characteristics of these.

2. Background

2.1 Context of the Regulation on the CFP ('Basic Regulation')

2.1.1 The CFP was created in 1983 and remained in force, with slight modifications, for twenty years, until it underwent a thorough reform under Regulation (EC) No 2371/2002. In 2009, the Commission studied how the reformed CFP was working and concluded that, despite the progress that had been made, not all aspects (environmental, economic and social) of the sustainable fisheries objectives had been achieved, and that many fish stocks were being over-fished.

2.1.2 This conclusion was laid out in the Green Paper ⁽¹⁾ on the reform of the Common Fisheries Policy. The corresponding Committee opinion, approved by a large majority, recommended 'that the measures which are adopted protect jobs

and safeguard territorial cohesion, and that the strategic objectives maintain a balance between the economic, social and environmental pillars, guaranteeing and promoting responsible and sustainable behaviour throughout the fisheries chain'. The future reform should deal with the following issues in more depth:

- 'establishing a differentiated regime for small-scale fleets;
- including a section on social issues that harmonises fishermen's working conditions;
- improving market conditions and commercial practices;
- ensuring the CFP dovetails with marine environment policy, which also requires more and better research that is applicable to fisheries policy;
- fully integrating the CFP into the framework of international organisations (such as the UN and the FAO) ⁽²⁾.'

2.1.3 The Committee's opinion on 'The development of regional areas for the management of fish stocks and the control of fishing' ⁽³⁾ states that 'the Committee welcomes the intention to radically reform the CFP and in particular its objective to establish a de-centralised policy, less dependent on detailed decisions taken in Brussels and allowing more opportunity for local and regional involvement in fisheries management. However, the essential detail, clarity and sanctions regime needed for such a policy to work effectively is missing and needs to be included' and that 'without flourishing fish stocks there can be no sustainable fishing industry', recommending 'that environmental sustainability should be prioritised as the basis for economic and social sustainability'.

2.1.4 That opinion also argues that 'to be effective the strengthening of quota-based management plans based on "maximum sustainable yield" (MSY) requires higher levels to be established that genuinely enable all regulated species to flourish and this should be done by 2015'.

2.2 Context of the Regulation on the COM in fishery and aquaculture products

2.2.1 The origin of the COM in the fisheries and aquaculture sector can be traced back to 1970. Its legal framework is provided by Regulation (EC) No 104/2000. Since 2008, the Commission has carried out wide-ranging assessments and consultations with a view to taking account of the shortcomings noted in the application of the provisions currently in force, recent developments on European and world markets and trends in fishing and aquaculture activities.

⁽¹⁾ COM(2009) 163 final.

⁽²⁾ CESE, OJ C 18, 19.1.2011, pp. 53-58.

⁽³⁾ CESE, OJ C 24, 28.01.2012 p. 48.

2.2.2 The new proposal for a Regulation sets up a COM for fisheries and aquaculture products which will be made up of the following instruments:

- a) professional organisations (producer organisations and inter-branch organisations),
- b) marketing standards,
- c) consumer information,
- d) competition rules,
- e) market intelligence.

2.2.3 The EESC believes that another section should be added to the above sections to regulate trade relations with third countries, to ensure that all imported products conform to European Union standards and are subject to effective controls.

3. Analysis of the proposed reform of the CFP and the Committee's comments

3.1 Scope and objectives

3.1.1 The CFP will cover the conservation, management and exploitation of marine and fresh water biological resources and aquaculture, as well as 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 of third countries, or by Union fishing vessels outside of Union waters, or by nationals of Member States.

3.1.2 The CFP must ensure that fishing and aquaculture activities create long-term sustainable environmental, economic and social conditions, contributing to the availability of food supplies, implementing the precautionary and ecosystem-based approaches to fisheries management, aimed at exploitation of living marine biological resources that restores and maintains fish resources above levels which can produce the maximum sustainable yield, not later than 2015, all while meeting the requirements of EU environmental legislation.

3.1.3 In order to achieve these objectives, the CFP must, in particular, eliminate unwanted catches of commercial stocks and gradually ensure that all catches of such stocks are landed. Furthermore, it must create the conditions for efficient fishing activities, promote the development of aquaculture activities in the Union and contribute to a fair standard of living for those who depend on fishing activities, while taking account of consumers' interests and ensuring systematic and harmonised data collection and management.

3.1.4 Overall, the EESC supports the scope and the general and specific objectives of the CFP, as well as its principles of good governance. It regrets, however, that not enough attention

is paid to the conservation, management and exploitation of freshwater biological resources. The Committee calls on the Commission to take account of the specificities of freshwater fishing in the proposals, including their alignment with the CAP. It points out that appropriate counterparts to the marine working groups still need to be created that can bring together experience in implementing a freshwater common fisheries policy and make proposals for updating it.

3.1.5 However, the EESC does not believe that the proposal for a regulation lays down the management measures needed to manage fisheries in order to restore and conserve fish stocks and thereby achieve these objectives and to deliver the building blocks for sustainable fisheries that respect the ecosystem as well as providing high-quality, healthy fish products for the public, thriving coastal communities, profitable industries producing and processing fish, and attractive and safer jobs, with the involvement of social partners at all levels being of utmost importance to this end ⁽⁴⁾.

3.2 Access to waters

3.2.1 From 1 January 2013 to 31 December 2022, Member States will be authorised to restrict fishing in waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction to fishing vessels that traditionally fish in those waters from ports on the adjacent coast and to EU fishing vessels belonging to another Member State which fish under existing neighbourhood relations between Member States.

3.2.2 Furthermore, between the same dates, in waters up to 100 nautical miles from the baselines of the Azores, Madeira and the Canary Islands, the Member States concerned may restrict fishing to vessels registered in the ports of those islands. 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.

3.2.3 The Committee agrees with these measures on access to waters, which are already in force and which should be complemented by measures to ensure preferential access for those who fish in a way that is environmentally and socially sustainable and which most benefits local fishing communities.

3.3 Measures for the conservation of marine biological resources

3.3.1 The EESC believes that the multiannual plans introduced in the current CFP have had a significant positive impact in some cases, and that they should continue to be applied, as provided for in the new proposal. The problems affecting those cases which have not worked properly should be analysed, always on the basis of solid scientific studies carried out by Community scientific bodies. Furthermore, the Committee believes that provision should be made for suitable correction mechanisms which are adaptable and flexible.

⁽⁴⁾ COM(2011) 417 final.

3.3.2 The multiannual plans are designed to maintain or restore all fish stocks above levels capable of producing maximum sustainable yield by 2015. The EESC considers that this is a laudable objective, which is based on United Nations Convention on the Law of the Sea (UNCLOS) provisions which are legally binding on the EU since 1998, and was reiterated in the report of the 2002 World Summit on Sustainable Development, on the basis of which the Commission is proposing this measure, which states that 'to achieve sustainable fisheries, the following actions are required at all levels: maintain or restore stocks to levels that can produce the maximum sustainable yield with the aim of achieving these goals for depleted stocks on an urgent basis and where possible not later than 2015'.

3.3.3 The Committee believes that the MSY objective leaves some margin for interpretation in terms of implementation methods, and that it will be difficult to achieve in certain mixed fisheries, since the different fish species interact and the catch rates determining the level of fishing effort do not correspond to the MSY for each individual species. The EESC calls upon the Commission to provide for practical solutions to resolve any problems arising in mixed fisheries.

3.3.4 The EESC would urge the Commission to take account of the fact that measures for the improvement of stocks status in EU waters should not have a negative impact on the sustainability of stocks in other areas, as a result of the increasing international trade in fishery products and displacement of EU fishing capacity.

3.3.5 In order to ensure that multiannual plans are based on the best possible scientific evaluation of fish stocks, the EESC considers it a priority for the Member States, backed by the Commission via the EMFF (European Maritime and Fisheries Fund), to provide scientific institutes with all the resources they need to carry out the required research and to deal with all fish species caught. In cases where there is no adequate scientific evaluation, the precautionary approach should be applied, as defined in the 1995 UN Fish Stocks Agreement. At the same time, the Committee considers it essential to promote dialogue between scientists and fishermen.

3.3.6 Furthermore, the Committee considers that the application of measures to maintain or restore fish stocks above levels which can produce maximum sustainable yield by 2015 will have an impact on the fishing capacity of Member States' fleets and should ensure that the most environmentally-destructive and socially disadvantageous fleet segments are eliminated in priority. The Commission should therefore provide for adjustment measures by offering social and labour-related alternatives for the fisheries sector to prevent the current loss of jobs due to the poor state of fish stocks. In this regard, the EESC calls for a detailed evaluation of the multiannual plans' socio-economic impact in the short, medium and long term.

3.3.7 The content of the multiannual plans and the technical measures framework should indicate their scope, in terms of stocks, fisheries and marine ecosystems, and their objectives should be consistent with the general and specific objectives of the CFP mentioned in point 3.1.1. The technical measures framework for each multiannual plan should contribute to maintaining or restoring fish stocks above levels which can produce maximum sustainable yield, to reducing catches of undersized individuals and of unwanted marine organisms, and to mitigating the impact of fishing gear on the ecosystem.

3.3.8 The EESC agrees with the content and framework of the technical measures provided for under Article 14, since they are in line with the objectives of the CFP reform. These technical measures should be applied taking into account the specific circumstances of the different fisheries.

3.3.9 With regard to the obligation to land all catches (the ban on discards), proposed by the Commission, the proposed reform of the CFP sets a timetable between 1 January 2014 and 1 January 2016, during which certain fish stocks subject to catch limits must be brought and retained on board fishing vessels from 1 January of each of those years. Minimum conservation reference sizes will be established for all of these fish stocks, the sale of which will be restricted for reduction to fish meal or pet food only. Marketing standards for catches of fish caught in excess of fishing opportunities shall be established in accordance with the common organisation of the markets.

3.3.10 With regard to the proposal to ban discards of certain species according to a precise timetable, the EESC believes this to be a worthy objective, but considers that it is currently very difficult to achieve in certain fisheries, particularly mixed fisheries. In fact, the socio-economic consequences would be so serious that many vessels would have to be decommissioned. The Committee therefore believes that measures should be established to alleviate these consequences. The EESC advocates a more gradual and proportionate approach, based on more selective fishing gear and a gradual reduction in discards, promoting and encouraging measures aimed at the processing of fisheries products in a manner that offers added value, and adapting the infrastructure of vessels and fishing ports.

3.3.11 The Committee believes it would be highly appropriate and useful to carry out an assessment, fishery by fishery, of the origin of discards with a view to using the most appropriate tools in each fishery to reduce the volume of discards.

3.3.12 The Committee believes that the ban on discards cannot be applied effectively unless workers are suitably trained. The EMFF should provide support for the relevant training actions.

3.3.13 With regard to regionalisation, the Commission will be able to authorise Member States, as part of a multiannual plan, to specify conservation and technical measures applicable to vessels flying their flag in relation to stocks in Union waters for which they have been allocated fishing opportunities, provided that they are compatible with the objectives of the CFP and the scope of the multiannual plan and are no less stringent than those laid down in existing EU legislation. These measures will be notified to the Commission - which may evaluate them at any time - and where appropriate, to other interested Member States and relevant advisory councils.

3.3.14 In relation to national measures which a Member State can take to conserve fish stocks in Union waters, these may be adopted provided that they only apply to fishing vessels flying their flag or to the fishing activities of persons established in the territory of the Member State, and provided that they are compatible with the objectives of the CFP and are no less stringent than those laid down in existing EU legislation.

3.3.15 A Member State may take non-discriminatory measures for the conservation and management of fish stocks and to minimise the effect of fishing within 12 nautical miles of its baselines provided that the Union has not adopted measures addressing conservation and management specifically for that area. If these measures 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.

3.3.16 The EESC believes that, while the measures proposed may be appropriate, the proposal for a regulation does not include clear mechanisms for decentralising decision-making. The Committee also believes that the comments made in its recent opinion on *The development of regional areas for the management of fish stocks and the control of fishing* should be taken into account.

3.4 Access to resources

3.4.1 The new proposal once again guarantees the fishing opportunities allocated to the Member States on the basis of the TAC (total allowable catches) and quotas system, applying the principle of relative stability amongst the Member States.

3.4.2 With regard to relative stability, the EESC reiterates what it said in its opinion on the Green Paper, stressing the need to update this principle to take account of the changes which have taken place since its creation in 1976. The need for this updating is demonstrated by the fact that the Commission is again proposing that Member States be authorised to exchange all or part of the fishing opportunities allocated to them, a clear indication that the relative stability established more than 35 years ago no longer reflects the real situation of fishing fleets and areas highly dependent on fishing. Moreover, the EESC is of the opinion that, once the principle

of relative stability has been updated, historical catches alone should not be the basis for quota allocation but that this should also include a set of transparent environmental, economic and social criteria.

3.4.3 The proposal states that, no later than 31 December 2013, each Member State must establish a system of transferable fishing concessions for all fishing vessels of 12 metres' length or over and for all fishing vessels of under 12 metres' overall length fishing with towed gear. Member States may extend the system of transferable fishing concessions to fishing vessels of less than 12 metres' overall length and deploying other types of gear than towed gear and shall inform the Commission thereof.

3.4.4 The Committee finds the text of the proposal to be confused and believes that the Commission should provide clarification regarding its interpretation, particularly the definition of 'transparent and objective criteria' for the allocation of concessions. For example, the EESC believes that operators who do not respect workers' rights should not be eligible. The establishment of transferable fishing concessions can offer an opportunity to ensure compliance with social standards throughout the sector, guaranteeing high-quality and secure employment in the European fisheries sector and discouraging any unfair competition based on lower operating costs.

3.4.5 The EESC is opposed to the privatisation of marine resources and therefore deems it unacceptable for the Commission to propose a market for the transfer of fishing rights between private companies, because making it easier for them to leave the sector would result in jobs becoming more precarious. Fishing rights must be managed exclusively by Member States.

3.4.6 Transferable fishing concessions may lead to a quantitative reduction in capacity but not a qualitative reduction and elimination of the most environmentally destructive, energy-inefficient and socially disadvantageous elements of the fleet. Moreover, often fishing rights have become concentrated amongst a small number of operators, including some from outside the sector, who then sub-contract the fishing activity to others, often the same people who previously fished in those waters.

3.4.7 The Committee would support the proposal to introduce systems of transferable fishing concessions if the systems are not compulsory and left to the decision of Member States to apply in their individual waters, are not applied outside Union waters and have as their primary objective to conserve fish stocks in the long term based on sustainable environmental, economic and social criteria.

3.4.8 The EESC has reservations regarding its application to the Mediterranean fishing fleet, since the Commission's proposal does not specify how this will be done.

3.4.9 The EESC believes that there must be guarantees that transfers of fishing concessions between Member States conform to the same conditions as those laid down for nationals of a single Member State. The assessment of this system's impact on the competitiveness and viability of the different Member States' fleets must pay particular attention to those Member States which import large quantities of fishery products.

3.5 Management of fishing capacity

3.5.1 The proposal's explanatory memorandum states that one of the CFP's main problems is fleet overcapacity. The Report from the Commission to the European Parliament and the Council on reporting obligations under Regulation (EC) No 2371/2002 states that 'all Member States have complied with legal fishing capacity limitations' and that 'today most Member States have capacity under the ceilings they are allowed. This margin averages 10 % in tonnage and 8 % in power'.

3.5.2 The Commission is maintaining these limitations in the new proposal, Article 35 of which sets the fishing capacity ceilings for Member States' fleets from 1 January 2013.

3.5.3 The Committee believes that, even if Member States conform to these fishing capacity ceilings, the Commission should adapt them based on a more accurate measurement of fishing capacity, including power and tonnage, and also types of fishing gear and other vessel characteristics, to bring them into balance with available resources.

3.5.4 The EESC also considers that the information laid down in Article 36 on 'Fishing fleet registers' should include this situation of fishing capacity compared to available resources.

3.6 Scientific basis for fisheries management

3.6.1 The scientific basis for fisheries management is entirely the responsibility of the Member States, which are required to collect the biological, technical, environmental and socio-economic data necessary for ecosystem-based fisheries management.

3.6.2 In relation to ecosystem-based fisheries management, the Committee considers it crucial that data collection include the greatest possible amount of environmental data and that timely provision of reliable data should be considered in the quota allocation system, and failure to do so should be sanctioned.

3.6.3 The collection, management and use of data will be carried out in the framework of a multi-annual programme as of 2014. In the meantime, Regulation (EC) No 199/2008 will continue to apply in relation to programmes for the collection and management of data.

3.6.4 Member States will adopt national fisheries scientific data collection, research and innovation programmes. Member States will be required to appoint a national correspondent for the coordination of the collection and management of scientific data for fisheries management.

3.6.5 The EESC supports this bolstering of the scientific dimension and believes that research programmes must seek information on species for which scientific data are currently lacking, and that advisory councils or other decentralised stakeholder bodies must be involved in this task.

3.7 External policy

3.7.1 The EU is one of the few large fisheries powers with a strong presence in all of the world's seas and oceans, as a result of the activities of its fleets, investments, bilateral agreements with third countries and its participation in the main regional fisheries management organisations (RFMOs). It also has a highly internationalised processing and marketing sector.

3.7.2 The EU is also one of the main markets for fishery products in terms of consumption and imports, which means that it has an enormous responsibility to commit itself to and guarantee the sustainable management of fishing activities and the conservation of world fisheries resources.

3.7.3 The EESC shares the Commission's view that the EU must promote sustainable fisheries throughout the world on the global and multilateral agenda, upholding the principle of responsible fishing, essentially in environmental terms, but also in social and economic terms. The EU must also promote transparent and equitable commercial measures, since its commercial policy must be consistent with the principles of responsible and sustainable fisheries.

3.7.4 The EESC agrees with the general principles expressed in the proposal regarding international fisheries organisations and sustainable fisheries agreements. In this regard, EU fisheries companies with external investments should also be included, and should be specifically covered by EU legislation. Furthermore, Member States should be required to inform the Commission of any arrangement between their nationals and a third country which enables vessels flying their flag to fish in waters under the jurisdiction or sovereignty of a third country. The reform of the external dimension of the CFP is taking place against a complicated backdrop for the EU's fisheries sector and for that of many developing countries, with declining fish stocks, the ever-growing presence of other long-distance fleets and the impact of climate change. The EU should create a favourable environment for private investment in sustainable fishing activities in the ACP countries, creating high added value and decent jobs in those countries by ensuring high management standards.

3.7.5 In the EESC's view, through the EU's presence in international bodies, particularly RFMOs, the Union must seek to improve the conservation of fish stocks and ensure a high degree of compliance with fisheries management measures by all stakeholders.

3.7.6 The fisheries partnership agreements (FPAs) currently in force are intended to enable EU vessels to fish surplus stocks in the exclusive economic zones of a number of third countries in a regulated and legally secure fashion. The Commission believes that the current FPAs should be replaced by sustainable fisheries agreements (SFAs) focusing on resource conservation and environmental sustainability, improved governance and effective sectoral support.

3.7.7 The EESC agrees that this new approach is necessary. The EU should therefore develop SFAs aimed at creating a favourable environment in the third developing country concerned for environmentally, socially and economically sustainable activities, based on a transparent and participatory dialogue mechanism involving all stakeholders to fulfil the developing country's priorities for the sustainable development of its fisheries sector. SFAs should be based on solid and transparent scientific advice, on assessments of the social, economic and environmental implications of each agreement, on a greater contribution from shipowners to the cost of access rights and on respect for human rights. The EESC believes that respect for workers' rights should be added to the criteria to be met by companies operating under SFAs. Furthermore, developing countries should be given support with a view to improving their capacity to carry out research and assessments of marine resources in their own waters. As well as allowing the EU fleet access to third-country waters, SFAs must contribute to the fisheries development of the country concerned, creating in the country's fisheries sector new industries that must promote food security and greater equality, increasing its port activity and generally improving social conditions by promoting new sustainable jobs for its nationals. The Committee urges the Commission to improve governance by applying social and environmental criteria and establishing all the instruments required to ensure constant monitoring of the implementation of SFAs and compliance with them. Evaluations of economic, social and environmental impacts on fisheries development in the third country concerned by the fisheries agreement should be conducted and made publicly available to all stakeholders, so that the parties in the EU and in the ACP countries in question can participate in an informed manner and engage in dialogue.

3.7.8 The EESC welcomes the proposal to include a transparency clause in future fishing agreements, to ensure that the cumulated fishing effort (by local and all foreign fleets active in a respective exclusive economic zone) is known. Such a clause, together with improved data collection and research, will help in the evaluation of the level of surplus stock available. The EESC considers that there is a need for greater transparency in the operation of SFA with regard to the publication of ex-ante and ex-post evaluations, which contain important data, such as, for example, the value of the catches made by EU fleets in ACP waters.

3.7.9 However, the EESC has concerns about some of the Communication's proposals regarding the external dimension of the CFP. In particular, it regrets that the Commission does not mention that SFAs should be instruments to protect the activity and jobs of the EU fleets operating under these agreements, given their specific characteristics and their importance for regions which are highly dependent on fisheries. Furthermore, it does not understand why the exclusivity clause is being tightened up. In fact, the EESC believes that that clause should be made more flexible in order to facilitate access to third-country waters for the EU fleet in exceptional cases. With regard to the fee for access to third-country waters, the EESC believes that EU owners should pay a reasonable and proportionate amount which does not jeopardise companies' competitiveness, and that the situation should be analysed on a case-by-case basis, since fishing conditions are not the same in all third countries. Finally, the Commission does not mention the need to negotiate adequate technical conditions to allow maximum use of fishing opportunities.

3.7.10 The EESC agrees that there is a clear need to promote the conservation of fish stocks and combine efforts at global level to eradicate illegal (IUU) fishing in all relevant international organisations.

3.7.11 The Committee believes that third-country fleets exporting their products to the EU must be required to meet the same social and environmental conditions as the EU fleet.

3.7.12 The EESC welcomes the fact that the proposal includes a paragraph on consistency with other Union policies, which should cover environmental, trade, hygiene and health, social, employment, development and external relations policies.

3.8 Aquaculture

3.8.1 The EESC applauds the Commission's recognition of the common European dimension of aquaculture policy and the establishment of non-binding Union strategic guidelines on common priorities and targets for the development of aquaculture activities. In particular, it welcomes the proposal to require Member States to draw up multiannual national strategic plans in their territories by 2014.

3.8.2 The EESC considers the objective of clearly defined indicators for environmental, economic and social sustainability to be important, particularly in view of aquaculture's potential for growth in the European Union and its great contribution to security of food supplies.

3.8.3 The EESC considers it vital that the reformed CFP incorporates the conclusions of the Communication on 'A new impetus for the strategy for the sustainable development of European aquaculture' ⁽⁵⁾, particularly in terms of promoting companies' competitiveness, laying the foundations for sustainable growth and improving the sector's image and governance.

3.8.4 In this regard, the Committee calls for the creation of a streamlined administrative framework and a single legal area for the development of a sustainable aquaculture sector which can help to maintain population and generate wealth in outlying and rural regions, and reiterates the need to respect, conserve and fit in with the local environment.

3.8.5 The EESC would suggest that the future Regulation could have the inclusive title 'Regulation on the Common Fisheries and Aquaculture Policy'.

3.9 Control and enforcement

3.9.1 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.

3.9.2 The EESC agrees with the Commission's proposals regarding the control and enforcement of CFP rules, although it believes that a sufficient legal basis should be established to ensure that those committing infringements cannot escape penalties.

3.9.3 With regard to the proposal that Member States should be able to require their fishing vessels to contribute proportionally to the costs of applying the control system, the Committee believes that this charge would be seriously prejudicial to those vessels, which already pay high costs in material and human terms in order to meet all the control requirements of Regulation (EC) No 1224/2009.

3.10 Financial instruments

3.10.1 The Union will be able to grant financial assistance to Member States and operators to contribute to the achievement of the CFP objectives.

3.10.2 Financial assistance to Member States may be interrupted (suspension of payments) or reduced by means of a financial correction, in the event of non-compliance with the CFP objectives. Such measures shall be proportionate to the nature, extent, duration and repetition of the non-compliance.

3.10.3 Serious infringements by operators of the rules of the Common Fisheries Policy may result in temporary or permanent

bans on access to the Union financial assistance and/or the application of financial reductions. Such measures shall be proportionate to the nature, extent, duration and repetition of serious infringements. The Committee welcomes this provision and considers that it should extend to Member States that do not apply the rules of the CFP.

3.10.4 The EESC believes that the new financial instrument should boost the role of fishermen in the sustainable development of coastal areas, and that this should include protection against job losses and help for the training and redeployment of workers towards other activities such as aquaculture, processing, conservation and maritime transport.

3.10.5 The EESC, noting that the Commission has not included its financial proposals in the reform package, urges it to do so as soon as possible so that an overall evaluation of the future CFP can be carried out. Although the proposal on the multi-annual financial framework maintains a budget allocation of EUR 6 700 million substantially unchanged ⁽⁶⁾, it is not clear how it is to be distributed between the Maritime Affairs and Fisheries chapters.

3.11 Advisory councils

3.11.1 The proposal creates advisory councils for each of the areas of fisheries competence set out in the regulation, and one for aquaculture, to promote a balanced representation of all stakeholders and to contribute to the achievement of the CFP objectives.

3.11.2 These councils replace the regional advisory councils set up under the 2003 reform. Their tasks are to submit recommendations and suggestions to the Commission and the relevant Member State regarding matters relating to fisheries management and aquaculture, and inform them of any problems; to contribute, in close cooperation with scientists (who, the EESC understands, are to play a part in their formation and operation), to the collection, supply and analysis of the data necessary for the development of conservation measures; and to issue reports and opinions on the proposed management measures on which they are obliged to be consulted.

3.11.3 The Committee believes that the proposal for a regulation should provide more detail regarding the 'balanced representation of all stakeholders', indicating that social actors will participate at the appropriate levels and in line with the customs of each Member State.

3.11.4 EU financial assistance and action by Member States should provide greater support for stakeholders in advisory councils, particularly small-scale fishing.

⁽⁵⁾ COM(2009) 162 final, Opinion CESE 646/2010, 28.4.2010, (O) C 18, 19.1.2011, pp. 59-63).

⁽⁶⁾ COM(2011) 500 final, 29.6.2011, *A Budget for Europe 2020*, Part II, p. 82.

3.11.5 The EESC is surprised that the Commission's proposal does not mention the role of the EU's Advisory Committee on Fisheries and Aquaculture and is concerned about the possible disappearance of cross-sectoral working groups which deal with matters relating to the market, trade policy and general issues. The existence of advisory councils, including that for aquaculture, does not provide multisectoral forums to deal jointly with issues common to fishing, aquaculture and processing.

3.12 *The social dimension and small-scale fisheries*

3.12.1 The EESC believes that there are gaps in the Commission's proposal which should be filled, in particular the lack of a social dimension and of an adequate definition of small-scale coastal fishing and shellfishing.

3.12.2 According to Eurostat, between 2001 and 2010, the number of fishermen dropped by 20 % to 203 200, of whom just 40 % were self-employed. The sector as a whole employed five million people in 2005. The EESC believes that as much attention should be paid to the socio-economic dimension of sustainability as to the environmental dimension.

3.12.3 As it pointed out in its opinion on the Green Paper, the EESC believes that the Commission does not take the social aspects of the CFP sufficiently into account. It therefore reiterates what it said in that opinion, particularly in relation to the lack of systematic recognition of professional qualifications between the Member States, the need to compile harmonised statistics on accidents and their causes, which currently do not exist at EU level, and the urgent need to upgrade the sector, guaranteeing decent levels of earnings.

3.12.4 The EESC does not believe that the current reform will solve the employment problems facing the sector's workers and therefore recommends the introduction of accompanying measures of a socio-economic nature (diversification of activities, redeployment, training and safety of the sector's workers) to alleviate the impact of the reform process, with the greatest possible participation by institutional, economic and social actors.

3.12.5 Social aspects should be considered throughout the fishing and aquaculture sector (production, processing and marketing), providing concrete proposals to improve working and living conditions.

3.12.6 With regard to the small-scale coastal fishing fleet, the Commission maintains the current definition of vessels under 12 metres in length except for towed gear. The Committee believes that the reality of the small-scale fleet in the different Member States is not being taken into account and that a single arbitrary criterion is being set which is likely to lead to discrimination. The EESC therefore advocates criteria in addition to size which could be used to define this highly diversified form of

fishing, such as time spent at sea, distance from the coast and links to local communities. This definition results in a large proportion of the small-scale fleet being included within industrial fishing, and in the Committee's view, it would be more appropriate to define this concept at national, regional or local level than to impose a uniform definition at Community level.

3.12.7 The EESC also believes that trap-nets should be included in the definition of small-scale fishing, where appropriate giving them the same rights and obligations as other small-scale fleets.

3.13 The EESC notes that the proposal for a Regulation grants the Commission wide powers to adopt delegated acts. However, given that the Commission must notify the adoption of a delegated act simultaneously to the European Parliament and the Council, and that this can be revoked by either of them, the EESC considers that safeguards are in place.

4. **Analysis of the proposed reform of the COM and the Committee's comments**

4.1 *Introduction*

4.1.1 The common organisation of the markets in fishery and aquaculture products will apply to the fishery and aquaculture products listed in the annex to the Regulation which are marketed in the EU, contribute to the achievement of the objectives of the CFP and be subject to the principles of good governance established therein.

4.1.2 As mentioned in point 2.2.2, it will include the following instruments: professional organisations, marketing standards, consumer information, competition rules and market intelligence.

4.1.3 The EESC supports the objectives and principles of the new COM regulation.

4.2 *Professional organisations*

4.2.1 Fishery producer organisations may be established as a group set up on the own initiative of producers of fishery products in one or more Member States and recognised in accordance with the proposal for a Regulation.

4.2.2 Despite the key role they play in the implementation of the CFP, the development of producer organisations has been restricted both by the complexity of the COM and, above all, by marketing difficulties in a situation in which competition rules make it hard to stand up to large retailers and in which cheap imports are allowed of fish and shellfish which do not meet basic food safety requirements, such as full 'sea-to-table' traceability.

4.2.3 The EESC advocates cutting red tape and simplifying administrative rules, particularly if producer organisations have to deal with the unwanted catches which will result from the ban on discards. It also recommends a review of competition policy to enable producer organisations to concentrate supply, which is currently excessively fragmented, in an operationally effective and legally secure manner. In particular, the integration of small-scale fishermen must be enhanced.

4.2.4 Aquaculture producer organisations may be established as a group set up on the own initiative of producers of aquaculture products in one or more Member States and recognised in accordance with the proposal for a Regulation.

4.2.5 The Committee supports the creation of producer organisations in the fishery and aquaculture sectors, despite the difficulties mentioned, because to date they have provided the CFP with great impetus.

4.2.6 Inter-branch organisations may be established as a group set up on the own initiative of operators of fishery and aquaculture products in one or more Member States and recognised in accordance with the proposal for a Regulation.

4.2.7 The Committee welcomes the possibility of creating inter-branch organisations which represent a significant share of at least two of the following activities: production, processing or marketing of fishery and aquaculture products. Although they are not permitted to engage directly in production, processing or marketing activities, inter-branch organisations could, in addition to the measures laid down in the proposal, help to diversify fishery products in different markets and improve profitability at all stages in the fisheries and aquaculture chain.

4.2.8 The EESC supports the objectives of inter-branch organisations and the measures they may adopt, but feels there should be an article concerning the funding of this kind of organisation.

4.3 *Extension of rules*

4.3.1 Member States may decide to make the rules agreed within a producer organisation or inter-branch organisation binding, under certain conditions, on producers and operators who do not belong to the organisation in question. They may also make those producers and operators liable to the producer organisation or inter-branch organisation for the equivalent of all or part of the costs paid by members of the organisation.

4.3.2 The EESC believes that this proposal could improve conditions for the processing and marketing of fishery and aquaculture products and help to stabilise the markets.

4.4 *Stabilisation of the markets*

4.4.1 Producer organisations may finance the storage of certain fishery products with a view to maintaining the

stability of the market, provided that they meet certain conditions.

4.4.2 The EESC considers this mechanism to be appropriate. However, it believes that producer organisations should also have the autonomy to decide which species can be included in it. Furthermore, it believes that reference prices should be set for aquaculture products in the same way as is proposed for fishery products. These reference prices should be accompanied by effective intervention mechanisms tailored to the characteristics of markets in fishery and aquaculture products.

4.4.3 The EESC urges the Commission, the Member States and the sector to seek more streamlined and effective mechanisms for balancing the supply and demand of sea products. Coordination measures and agreement within inter-branch organisations could provide a good starting point.

4.5 *Consumer information*

4.5.1 An annex to the proposal lists fishery and aquaculture products which may be marketed within the EU, including imports. These products may only be offered for retail sale to the final consumer if their marking or labelling indicates the following minimum information: the commercial designation, the production method, the area where the product was caught or farmed, the date of catch or harvest and whether the product is fresh or defrosted. Prepared and preserved fish, caviar and caviar substitutes, and prepared and preserved crustaceans, molluscs and other aquatic invertebrates may only be sold if the first three elements obligatory for other fishery and aquaculture products are indicated on the marking or labelling: the commercial designation of the species, the production method and the area where the product was caught or farmed.

4.5.2 The proposed consumer information introduces new requirements (both for those in Chapter 3 and for those in Chapter 16 included in Annex II containing the description of goods) which are not included in the current COM regulations, and extends these measures to imports.

4.5.3 The EESC believes that the new consumer information requirements are positive, but should be carefully studied in order to take account of the specific characteristics of the various ways in which fishery and aquaculture products are presented.

4.5.4 These new requirements must genuinely respond to positive elements which offer the consumer true added value, do not create confusion between labelling and traceability, do not constitute technical barriers for producers and are in line with the recent reforms of Regulation (EU) No 1169/2011 on the provision of information to consumers⁽⁷⁾ and Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the CFP⁽⁸⁾.

⁽⁷⁾ OJ L 304, 22.11.2011, p. 18-63.

⁽⁸⁾ OJ L 343, 22.12.2009, p. 1.

4.5.5 The EESC therefore believes that, before introducing new labelling requirements, the Commission should carry out an impact assessment, analysing their viability, applicability and usefulness for consumers.

4.5.6 In response to the demand for greater transparency, the proposal provides for the possibility, on a voluntary basis and without detriment to the space available for the mandatory information, also to provide environmental, ethical or social information, information on production techniques, and information on the nutritional content of the product. The EESC believes that any proposal for voluntary information should be based on regulated minimum standards which prevent this information from becoming a source of consumer confusion and market distortion.

4.5.7 The Committee stresses the need to strengthen control of the rules on the traceability of sea products. This will tighten up the identification of the origin of products fished or farmed and help to ensure compliance with food safety requirements at all stages in the fishery and aquaculture chain: production, processing and marketing.

4.5.8 In order to prevent unfair competition on the EU market, the EESC recommends that imported products be subject to the same hygiene and health and control requirements as EU products, including full 'sea-to-table' traceability, and calls for exhaustive controls, at borders and at origin, to ensure proper compliance with these rules, which contribute to food safety. In this regard, the Committee feels that a

consistent approach should be established amongst the European Commission's various Directorates-General.

4.5.9 The Committee believes that consideration should be given to the possibility of extending the harmonisation of production criteria to social and employment aspects and to environmental protection and sustainability. To this end, it proposes that the social and environmental impact and scope of trade agreements between the EU and third countries be analysed before they are concluded, and that their results be closely and regularly monitored, in order to prevent the competitiveness of the European fishery, shellfishing and aquaculture sector and its marketing and processing chain from being undermined.

4.6 *Market intelligence*

4.6.1 The Commission proposes to carry out a series of actions aimed at providing the sector's various stakeholders with information on the situation and developments, taking into account the international context, monitoring the supply chain, analysing market trends and providing ad-hoc market studies on price formation. The EESC welcomes this proposal.

4.7 *Exercise of delegation*

4.7.1 The EESC agrees with the delegation of powers conferred on the Commission, since they all concern the effective compliance with and monitoring of the proposal for a Regulation on the COM.

Brussels, 28 March 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON
