



**ASSEMBLEIA DA REPÚBLICA**  
**EUROPEAN AFFAIRS COMMITTEE**

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## Written Opinion

COM(2011) 425

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT  
AND OF THE COUNCIL on the Common Fisheries Policy

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**PART I - INTRODUCTORY NOTE**

Pursuant to Article 3(d) of the Treaty on the Functioning of the European Parliament, the Union has exclusive competence in the area of the conservation of marine biological resources under the Common Fisheries Policy (hereinafter CFP) and, pursuant to Article 4(2)(d), has shared competence with the Member States as regards the rest of the CFP.

The most recent reform of the CFP took place in 2002 by means of Council Regulation (EC) 2371/2002 of 20 December 2002.

Article 35 of that Regulation contains a specific provision for a review before the end of 2012 of Chapters II [Conservation and sustainability] and III [Adjustment of fishing capacity].

However, the conclusions of the 2007 special report on the CFP by the Court of Auditors and the Commission's own evaluation of the current CFP led them to go further and propose a fundamental reform of the CFP.

In connection with this, the Commission presented three documents:

- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, setting out the principal rules of the CFP;
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the development of a new market policy;
- Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the external dimension of the CFP.



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In accordance with the terms of Articles 6 and 7 of Law 43/2006 of 25 August, on monitoring, assessment and pronouncement by the Assembleia da República within the scope of the construction of the European Union, and in accordance with the procedures for the scrutiny of European draft acts approved on 20 January 2010, the European Affairs Committee received the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the Common Fisheries Policy [COM(2011)425].

The above draft act was referred to the Committee on Agriculture and the Sea in view of its subject, but the Committee did not pronounce.

#### **PART II – RECITALS**

The Parliamentary Committee on Agriculture, Rural Development and Fisheries of the Assembleia da República<sup>1</sup> prepared a Report on the “Green Paper on the Future of the Common Fisheries Policy”<sup>2</sup>, setting out a diagnosis for reform and arguing for a balance between the environmental, economic and social aspects in the context of the reform of the CFP.

The Green Paper offers a thorough analysis of the current situation of the Common Fisheries Policy and proposes solutions to persistent problems.

Among the problems listed are the impoverishment of European fish stocks, fleet overcapacity, the lack of precise policy objectives, a decision-making system that is too centralised and focused on short-term solutions, a framework that does not give sufficient responsibility to the industry and low compliance with limits on catches.

Nevertheless, it is worth highlighting here the growing improvement in the sustainability of fishing in Portugal, which is attested to by the fact that the majority of species caught by the Portuguese fleet are not subject to quotas and that certain very important fisheries, for example the sardine fishery, are even pioneers in environmental sustainability certification.

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<sup>1</sup> Specialist standing committee of the 10th legislature (2005-2009).

<sup>2</sup> COM(2009) 163.



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For Portugal, the review of the Common Fisheries Policy should be seen as a window of opportunity, accompanied by a series of risks and challenges which should be analysed to enable Portugal to adopt the most appropriate positions in the balance that needs to be struck between the environmental, economic and social dimensions.

In its Report on the “Green Paper on the Future of the Common Fisheries Policy”, the Assembleia da República proposed a basic approach to the reform of the CFP:

- In relation to the regionalisation of fisheries management, Member States should be granted the widest possible delegated competence in line with the principle of subsidiarity, permitting the involvement of organisations in the sector, creating synergies, eliminating or minimising conflicts of interest and ensuring decentralised management;
- The Regional Scientific Councils should be strengthened and the participation of the scientific community assured;
- The CFP should be based on knowledge and on soundly based studies which support the environmental, economic and social aspects;
- There needs to be a balance between the pillars of the CFP, with no hierarchical distinction between the three dimensions: environmental (issues concerned with the conservation of resources); social (issues concerned with the cohesion of coastal areas and the need to ensure adequate incomes for fishermen); and economic (ensuring the profitability of fishing).
- The CFP should be coordinated with the Integrated Maritime Policy and the consequent approval of maritime spatial planning plans which safeguard traditional fishing areas, linking them with the new activities and enhancing them wherever possible;
- The possibility of a voluntary membership regime for Individual Transferable Quotas (ITQs) to help improve the profitability of fishing vessels, the management of which should be assigned to Member States and reflect the condition of stocks and the viability of fishing vessels;
- Maintenance of protected fishing rights in the 12 nautical mile zone for the national fleets of individual Member States;



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- Maintenance of the Principle of Relative Stability, in force since 1983;
- A gradual move towards Maximum Sustainable Yield (MSY) as the principle for managing the various fish stocks, with appropriate flexibility, based on high quality, properly monitored scientific assessments and including data collection, in order to legitimise appropriate management choices;
- Establishment of long term management plans and differentiation in the fishing effort management model depending on the type of fishery;
- Orienting TACs and quotas towards mono-species fisheries;
- Combating discards effectively;
- Establishing differentiated fishing regimes for small coastal fishing fleets and industrial fishing fleets, with a view to complementarity and best use of each of the fleets having regard to their different characteristics and operating circumstances;
- Maintenance of price regularisation in the first sale market, with the granting of financial compensation for withdrawal, freezing and storage;
- Marketing support for producers' organisations, with special emphasis on questions of traceability, quality and certification;
- The need to ensure fishing rights for Member States' fleets both in international waters and in the waters of other Member States;
- Aquaculture should be a pillar of the CFP, from the point of view of complementarity with extractive fishing.

#### **a) Legal Basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

#### **b) Principle of Subsidiarity**

Provisions in the proposal relating to the conservation of marine biological resources fall under the exclusive competence of the European Union, and the principle of subsidiarity therefore does not apply for these provisions.



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However, provisions in the proposal relating to aquaculture and the need to establish EU strategic guidelines on common priorities and targets for the development of aquaculture activities fall under shared competence between the Union and Member States. Taking into account that strategic choices made at national level can have a bearing on the development of the aquaculture activities in neighbouring Member States, “non-binding Union strategic guidelines will form the basis for multiannual national strategic plans”. Provisions in the proposal relating to the Common Market Organisation also fall under shared competence between the Union and Member States. The objectives for the common market organisation include “increased competitiveness of the Union fishery and aquaculture industry, improvement of the transparency of the markets and the contribution to ensuring a level playing field for all products marketed in the Union.

“To achieve these objectives the measures, which comprise the organisation of the industry including measures for stabilisation of the markets and marketing standards, and consumer information requirements, need to be consistent throughout the Union.”

The objectives of this proposal therefore cannot be sufficiently achieved by Member States and can therefore be better achieved by the Union. The principle of subsidiarity is therefore respected by the proposal.

#### ***c) Content of the draft act***

As mentioned earlier, as the Green Paper on the Future of the Common Fisheries Policy states, the policy has failed to achieve its main objectives. The fact remains that i) fish stocks are subject to overfishing; ii) the economic situation of certain segments of the fleet is difficult despite the high levels of subsidy they receive; iii) employment in the industry is not attractive; and iv) the situation of many coastal communities dependent on fishing is precarious.

In the light of this, the Commission proposes to reform the policy to create the conditions for a better future for fisheries resources and fishing, and for the marine environment on which they both depend. The Commission considers that the CFP has good potential to create the conditions for sustainable fisheries which respect ecosystems and at the same time offer healthy, high quality fish products to European



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consumers and create prosperous coastal communities, profitable fish production and processing industries and more attractive and secure jobs.

This reform therefore contributes to the objectives of the Europe 2020 Strategy in that it is aimed at sustainable, inclusive growth, improved social cohesion of coastal areas and more solid economic results. It is also a fundamental component of the flagship initiative “A resource-efficient Europe”<sup>3</sup> in that it seeks to ensure the sustainable exploitation of marine biological resources. It is therefore argued that “It is necessary to protect valuable ecological assets and the services they provide, and the quality of life of current and future generations”. It is also considered that “increasing resource efficiency will be key to securing growth and jobs for Europe.”

Sustainability is a central element of this proposal for reform.

The proposal aims to establish a legal framework which seeks, in terms of broad objectives, to ensure that fishing and aquaculture activities take place in environmental conditions that are sustainable in the long term and contribute to food security and, consequently, to securing an economically viable and socially sustainable fishing industry.

In terms of specific objectives, the proposal seeks to: i) eliminate unwanted catches of commercial stocks and gradually ensure that all catches of such stocks are landed; ii) provide conditions for efficient fishing activities within an economically viable and competitive fishing industry; iii) promote the development of Union aquaculture activities to contribute to food security and employment in rural and coastal areas; iv) contribute to ensuring a fair standard of living for those who depend on fishing activities; v) take into account the interests of consumers; and vi) ensure systematic and harmonised data collection and management.

Accordingly, in order to secure the objectives of the proposed legal framework, the proposal repeals Regulation (EC) 2371/2002<sup>4</sup>, of 20 December; Decision 2004/285/CE of 19 June<sup>5</sup>; Regulation (EC) 199/2008 of 25 February<sup>6</sup>; Regulation (EC) 639/2004 of 30 March<sup>7</sup>; and suppresses Article 5 of Regulation (EC) 1954/2003 of 4 November<sup>8</sup>

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<sup>3</sup> COM(2011) 21.

<sup>4</sup> On the conservation and sustainable exploitation of fishery resources under the Common Fisheries Policy.

<sup>5</sup> Establishing Regional Advisory Councils under the Common Fisheries Policy.



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To sum up, this proposal seeks to contribute to the solidity and sustainability of the fisheries sector (through the protection of valuable ecological assets and the services they provide), the reduction of food insecurity and the quality of life of current and future generations.

#### **PART III – PERSONAL VIEW OF THE MP DRAWING UP THE WRITTEN OPINION**

In view of the importance of the matters to be legislated on by the proposal under consideration, the Rapporteur for this written opinion believes that he should express his opinion on these matters, without prejudice to the outcome of the debate in the plenary.

Having regard to the provisions of the proposal, we wish to comment on the following matters:

1. On the matter of the three dimensions of the Common Fisheries Policy – environmental, economic and social – a balance should be struck between them, without any one dimension predominating at the expense of the others.
2. A structural support policy for the industry should be established, including fleet modernisation measures (for example, to reduce fuel consumption or improve onboard working conditions) and a reduction in fishing effort, a more favourable regime for small coastal fishing, public support for the processing and marketing of fish products, the development of aquaculture and local development of fishing areas.

Maintaining the objective of adjusting fishing effort to the situation of stocks, the restructuring of the sector, adaptation to durability and to the objective of gradually achieving the Maximum Sustainable Yield justify maintaining a policy of structural support for the fisheries and aquaculture sector.

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<sup>6</sup> On the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy. However, national data collection and management programmes adopted for the period 2011-2013 should continue to be applied.

<sup>7</sup> On the management of fishing fleets in the Community outermost regions.

<sup>8</sup> On the management of fishing effort relating to certain Community fishing areas and resources.



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3. The retention of protected fishing rights in the 12 nautical mile zone for the national fleets of individual Member States is to be welcomed, along with the specific regime for Outermost Regions. However, the arguments which have been made in relation to the Azores Autonomous Region for the extension of protected fishing rights to 200 nautical miles should be maintained.

4. The argument should be made for gradual progress towards the target of achieving the Maximum Sustainable Yield (MSY) by 2015. It is not possible to achieve that objective categorically for all species straightaway in mixed fisheries (as in the case of Portugal) because of the lack of consistent scientific data for the great majority of fisheries. In the European Union, scientific research is only able to supply consolidated data for around 20% of stocks.

The general reductions in TACs and days at sea could irremediably harm fishing companies and consequently endanger the survival of fishing communities.

At the same time, it is important to improve scientific knowledge and data collection in order to legitimise management choices.

5. In the matter of Individual Transferable Quotas (ITQs), the Commission's proposal provides for a compulsory system of transferable fishing concessions covering vessels over 12 metres, which is very difficult to apply in multispecies fisheries. It is clear that its management will be the responsibility of Member States as it will apply solely between vessels registered in that Member State.

A transitional period should be provided in this matter, and its application should begin in the long distance fishing and industrial fishing segment.

6. In relation to discards, which affect fishing in all parts of the world and represent a considerable waste, it is essential to systematise the data on fisheries and trial fishing effort assessment methods suitable for a multispecies approach to fisheries management, a position I advanced on 1 March 2011, when I was Minister of Agriculture, Rural Development and Fisheries, at a high-level meeting on discards in connection with the reform of the CFP. It is necessary to consider the fact that exploitation levels compatible with sustainable fishing in terms of MSY will necessarily be different for different species, so it will be necessary to find appropriate balances and compromises.

A policy of outlawing discards requires the upstream incentive of a series of measures to add value to and make better use of the species caught and to



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establish circuits for the disposal of fish which are not saleable. Portugal, as a heavy consumer of fish and with an extensive EEZ, has a dual interest in discussion of the issue and should promote a gradual, case by case approach in this matter.

An approach should be adopted which considers the ecosystem as a whole which, when in balance, enables the conservation of species, which is what it is intended to promote. The questions to pose in relation to fishing should be “when, where and how” fishing should take place, not “how much should be caught”, as is traditionally asked.

7. It is also important to meet consumer information requirements in terms of traceability and food safety by improving labelling. Labels should contain information on the production method, nutritional value and prior freezing, where applicable, in order to enable end consumers to make informed choices.
8. In terms of the external dimension, we believe there is a need to ensure fishing rights for the fleets of Member States both in international waters and in the waters of third countries. The external dimension of the CFP should ensure satisfactory access to underused fishing quotas. The European Union should take a leading and active role in regional fishing organisations as a contracting party representing the Member States. The CFP should ensure and improve the standard of living of communities dependent on fishing and the viability of the economic sector, which is strategic to food supply in Europe and vital from the point of view of economic and social cohesion in certain regions of Europe.

The ambitious objectives set by the Commission – combating overcapacity, IUU fishing and the overexploitation of stocks – should be positively promoted in international forums, emphasising the effort made by the European fleet to respect the numerous management and conservation, safety, food safety, environmental and social rules among others, which translate into a huge increase in production costs for European fishing companies. The EU budget should therefore continue to play a decisive role in the financing of the Fisheries Partnership Agreements mentioned earlier.



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#### **PART IV – CONCLUSIONS**

To sum up, the proposal for a Regulation under consideration represents an opportunity to strengthen the economic, social and environmental sustainability of fishing in the European Union.

The proper management of marine stocks is vigorously defended and responsibility for this is laid on society as a whole.

However, this proposal is brought forward against a background of profound economic crisis and expansion of the European Union. Despite this fact, no proposal is made for adequate mechanisms that might act as ‘shock absorbers’ for the sector, which could generate additional difficulties for small and medium sized companies and in the non-industrial fishing sector. This proposal will undoubtedly be improved through interaction with and contributions from the various stakeholders prior to the completion of the legislative process.

#### **PART V – OPINION**

In the light of the above, the European Affairs Committee is of the opinion that:

1. This draft act **does not breach the principle of subsidiarity in that the proposed objective will be more effectively achieved through action at EU level.**
2. The scrutiny process in relation to this draft act is completed. However, the European Affairs Committee will continue to monitor the legislative process related to the Common Fisheries Policy (CFP), in particular through the exchange of information with the Government and sector organisations.

São Bento Palace, 18 October 2011

**Opinion drawn up by MP – António Serrano**

**Chairman of the Committee – Paulo Mota Pinto**