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NOTE

From: General Secretariat
To: Permanent Representatives Committee (Part 1)/Council
No. Cion prop.: 12514/11 PECHE 187 CODEC 1166 - COM(2011) 425 final
Subject: Proposal for a Regulation of the European Parliament and of the Council on the
Common Fisheries Policy
- *Orientation debate*
a) *Regionalisation*
b) *Transferable fishing concessions*

1. On 14 July 2011, the European Commission adopted a proposal for a new Basic Regulation on the CFP. This proposal was officially presented to the Council during the "Agriculture and Fisheries" Council on 19 July 2011.
2. The proposal is part of the July 2011 reform package (linked to the proposal on a new Common Markets Organisation and a reviewed external dimension of the CFP) and must be seen in conjunction with the proposal for a new European Maritime and Fisheries Fund (EMFF) which the Commission adopted on 2 December 2011. The general objective of the proposal is to ensure fisheries and aquaculture activities that provide long-term sustainable environmental, economic and social conditions, and contribute to the availability of food supply.

3. Important new elements of the proposal are:
 - stock management at maximum sustainable yield as a legal obligation ("by 2015" for all stocks);
 - implementation decisions by Member States in a regional context, under Union multiannual plans or technical measures frameworks;
 - discard ban (landing obligation irrespective of quotas and minimum reference sizes, prohibition of operations under insufficient quota, related marketing standards for over-quota catches);
 - Transferable Fishing Concessions as an obligatory system at national level, with a possibility to exclude small vessels from the scheme.
4. The Working Party on Internal and External Fishery Policy has been examining the proposal between July 2011 and March 2012.¹
5. In order to give guidance for the further work which should lead to a Council general approach in June 2012, the Presidency has planned a series of orientation debates to be held at the "Agriculture and Fisheries" Council. The first one, held on 19/20 March 2012, concerned the proposed discards ban. A second orientation debate will be held at the Council meeting of 26/27 April 2012 and deal with regionalised policy-making on the one hand, and the introduction of transferable fishing concessions on the other. An additional lunch debate will focus on the economic and social dimension of the CFP.
6. With regard to regionalised policy-making, there is widespread agreement, including in the EP, that the development of conservation policy needs more stakeholder involvement, more fishery-adapted solutions, and less prescriptive details being imposed from the Union level. However, the procedure and safeguards of such a concept need still to be identified.

¹ Cf. doc. 5070/2/12 PECHE 7 CODEC 9 REV 2.

7. With regard to transferable fishing concessions, the Commission proposes that fishing rights should be tradable within a Member State on a compulsory basis, in order to have in place a market-oriented instrument to reduce fishing overcapacity. A majority of delegations in the Working Party questioned the general need for such a measure, were afraid of certain consequences of such a policy, and had concerns about the administrative burden and legal challenge that might be involved in its introduction. On the other hand, a number of Member States already use such an instrument for the purposes of fisheries management.
8. The Presidency intends to steer the orientation debate through the questions listed below. In addition, a non paper is planned as a background document for the regionalisation topic², and possibly one for the lunch debate.

Questions:

A) Regionalisation:

1. Within the context of envisaged regionalisation of the CFP can various models of decision-making process be allowed to develop across various regions? Which should be the minimum common elements of such models and which elements could be allowed to vary across the regions? And how to ensure a level playing field in relation to transparency, enforcement and control?
2. How should Member States cooperate together and what should be the role of the Advisory Councils in the regionalisation framework and would this imply adaptation of their structure and functioning?

B) Transferable Fishing Concessions (TFCs):

1. What should be the common EU framework? What safeguards are needed against the potential negative consequences of implementing TFCs (e.g. excessive ownership concentration, social impacts on coastal communities) in order to make the system more acceptable and more successful? Should minimum safeguards be set out in the EU legislation?

² It will be presented as a meeting document (DS 1240/12).

2. How can a system of transferable fishing concessions ensure enough flexibility to allow Member States to design and apply their own modalities or systems? For which elements of the proposal would such flexibility need to be applicable?
3. What other measures could be used to effectively achieve and document the effective alignment of fishing capacity with available fishing opportunities?

C) *Socio-economic aspects (lunch debate)*

1. What should be the key EU priorities among the proposed objectives and associated measures which address the socio-economic dimension, in particular small-scale fisheries, the creation of jobs and social cohesion in coastal and inland communities?
 2. Does the Commission's proposals offer the necessary measures and financial support for the support of the objectives of a reformed CFP or is there a need for further measures? What measures are necessary at Member State level?
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