

Motion

tabled by the parliamentary groups of the CDU/CSU and FDP

on the reform of the EU's Common Fisheries Policy

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

COM(2011) 425 final; Council Document 12514/11

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; Council Document 12516/11

Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund repealing Regulations (EC)

No.1198/2006 of the Council and (EC) No. 861/2006 of the Council and

Regulation (EU) No. XXX/2011 of the Council on integrated maritime policy,

COM(2011) 804 final; Council Document 7870/11

here: Position of the German Bundestag pursuant to Article 23 (3) of the German Basic Law

The Bundestag is requested to adopt the following motion:

I. The German Bundestag notes:

The Common Fisheries Policy of the European Union (CFP) to date has clearly failed to achieve the targets it has set itself. The depletion of fish stocks has been stopped or reversed only in part. The economic situation and prospects have not improved for the fisheries sector. Even with the external dimension, especially the Fisheries Partnership Agreements with third countries, there continue to be shortcomings which must be resolved.

The reform of the Common Fisheries Policy is an important opportunity to put an end to the shortcomings as swiftly as possible, to continue and bolster positive approaches from recent years and to shape the culturally, environmentally and economically significant sector of fisheries and aquaculture so that it is fit for the future.

The aim of the reform must be sustainable fishing which preserves stocks, enables overfished stocks in Union waters and in third countries to recover, and which can serve as a role model for the management of fish stocks and the marine ecosystem worldwide. Sustainable fishing practices of this kind are also in the interests of the fisheries sector as a whole, as once fish stocks have been allowed to

replenish far more fish can be caught once again, securing the long-term future of the industry. The EU needs a fisheries policy which gives the fishermen and women on the one hand, and the fish stocks on the other a future, and takes into account the importance of fishing for the coastal areas in developing countries to a greater degree.

The legislative proposals made by the European Commission on 13 July 2011 for a comprehensive reform of the Common EU Fisheries Policy provide a fundamentally good foundation for this. Some of the proposed reform measures and instruments, however, are rather dubious and their impacts not sufficiently thought through. Given the widely varying economic and political interests of the Member States concerned, there is the danger that the original objectives of the reform of EU fisheries policy will be watered down and the aim of sustainable fisheries not met. This must be prevented.

II. The German Bundestag calls on the Federal Government to defend the following position in the negotiations on the reform of the Common Fisheries Policy:

MSY sustainability target

- The principle of the MSY maximum sustainable yield must be laid down in the basic regulation as the guideline for managing all stocks. The aim of managing stocks at the level of the MSY must be attained by 2015 in line with the resolutions of the Johannesburg World Summit on Sustainability. If scientific data is lacking, fishing opportunities must be set according to the precautionary principle.
- Multi-annual management plans must be the central instrument of sustainable fisheries management.
- To attain the MSY target, multi-annual management plans must be drawn up for as many commercially exploited stocks as possible, based on the ecosystem approach – for mixed fisheries according to the multi-species approach. In the future, the management plans should be further developed into an ecosystem approach wherever possible. The Federal Government should support the European Commission in drawing up these plans. The aim here must also be to increase the selectivity of fisheries to avoid unwanted by-catches. This helps protect juvenile fish and other ecologically important species to a greater degree.
- To improve the scientific data required for MSY, stricter sanction mechanisms must be put in place to penalise those Member States which do not meet their obligations to report data, for instance through lower quotas.
- For all measures required to attain an MSY level, the tried and tested principle of relative stability must be adhered to strictly when allocating fishing quotas to Member States.

Discard bans and obligations to land all catches

- We support the introduction of bans on discards and obligations to land all catches in the basic regulation as an instrument to support sustainable fisheries.
- Discard bans must not be introduced according to species but according to fisheries. In doing so, the scientifically proven fishing mortality of the by-catch must be taken into account in the total catches. By-catch species which demonstrate high survival rates should be exempt from the ban on throwing unwanted catches back into the sea.

- It must be made possible for by-catches which are undersized or exceed the quotas to be used in a higher-quality way than for processing into fish meal or oil. At the same time, incentives to commercialise juvenile fish must be avoided. It must also be ensured that the national total allowable catch is not exceeded.
- To support the aims of the Common Fisheries Policy, research and development in this area must be strengthened. On this front, particular attention should be paid to the development of innovative and selective fishing methods.
- As an alternative to transferable fishing concessions, there must be the option of counting by-catches towards the quota of the main target species within a certain scope in order to enable quotas to be exhausted.
- Compliance with the discard ban must be monitored appropriately; this requires effective and practicable solutions.
- In the case of reasonable suspicions of systematic fishing misconduct, there shall be an obligation to take observers on board fishing vessels.
- No obligation must be introduced to install cameras on board small and artisanal fishing vessels. For the purposes of fully-documented and sustainable fisheries however, there should be incentives to install cameras voluntarily. Alternative monitoring systems must be provided for.

Interaction between fisheries and environmental policy

- The reform of the Common Fisheries Policy must also comply with the aims of European nature conservation and environmental protection policy, for instance the Marine Strategy Framework Directive.

Fishing concessions

- Fishing quotas must be decided on the basis of scientific findings and in accordance with the aim of sustainable management of fish stocks.
- The tried and tested system of quota administration in Germany must not be altered. It must continue to be possible to intervene in quota allocation for steering purposes.
- Fishing resources must remain a public good.
- The EU must not be allowed to make tradable fishing concessions obligatory. The Member States must be able to decide on the procedure governing allocation and transfer of fishing concessions. As a fundamental principle, every fisher or the producing organisations should be allocated individual fishing opportunities in order to optimise quota management and in particular to prevent overfishing of stocks. Exemptions can however be set forth for by-catch species or smaller fisheries.
- The transfer of fishing concessions in Germany must continue to be organised in cooperation with the fishermen and women concerned, in order to attain the highest possible level of acceptance to encourage appropriate stakeholder involvement.

- When implementing this in Germany, it must be ensured that German exploitation rights are not transferred abroad and that exploitation rights only be held by active fishermen and women.
- The possibility for Member States to reserve a portion of the quotas must continue to be restricted to 5%.

Reduction of fleet overcapacity

- Member States must calculate the fishing capacity available nationally in relation to the sustainable yield amounts on the basis of a procedure which is comparable EU-wide. On this basis, the Member States must comply with their already existing obligation to report regularly on the reduction of national capacities.
- The planned obligation for Member States to take measures to bring their fishing capacities in line with their fishing opportunities, as is already the case in Germany, must be retained. The reduction of excess capacities is considered a key element of successful reform. Once the relevant data on excess capacities is available, a binding implementation schedule must be drawn up.
- The planned new capacity ceilings must lead to an effective and verifiable reduction in fishing capacities. The prior concessions already made by some Member States must be taken into account here. This requires developing a procedure which makes it possible to quantify the extent to which the fleet capacities correlate with the national fishing opportunities.
- Member States which do not comply with their obligations to report measures to harmonise their fleet with the fishing opportunities available must face sanctions.

Effort limitations

- Fishing opportunities must be defined first and foremost as catches.
- Fishing effort limitations must only continue to apply to the stocks for which no catches have been defined and for which there is a biological necessity to regulate fishing.

Competences of the European Commission and regionalisation

- In accordance with the Lisbon Treaty, delegated acts must be confined to “non-essential” elements of legislative acts.
- The “licences” for delegated acts contained in the draft of the basic regulation do not fulfil this requirement. Instead, it must be verified in each specific case, for instance for regulations on management plans or technical measures, whether a delegated act is appropriate.
- The EU must not be accorded regulatory powers for river and sea fishing as part of the basic regulation. Here, national competence must be ensured in accordance with the subsidiarity principle.
- The role of the Regional Advisory Councils must be bolstered.

European Maritime and Fisheries Fund

- The EMFF must be coordinated to the best possible degree with the other EU Structural and Development Funds in order to ensure the largest possible impact in supporting the structural change and development of the coastal regions. In doing so, however, attention must be paid to ensuring that the EMFF, which is the smallest fund constituting only 1% of the total volume of the different funds, not be overly burdened with red tape. In particular, the administrative and oversight system for agriculture must not be superimposed identically onto the EMFF.
- It is necessary to increase efficiency and reduce the cost of red tape. To this end, the administration of the EMFF and the application procedure must be simplified.
- Research and development in the area of fisheries and the fishing industry must become a key point in the EMFF in the future. Innovative and selective fishing methods can help make fishing more sustainable, efficient and economical.
- The necessary and overdue reduction of fleet capacities in the artisanal coastal fisheries of some Member States must be cushioned with resources from the structural funds to avoid social hardship first and foremost in regions with weaker development. Only then can the necessary acceptance of the affected fishermen and women be secured and the reduction targets sustainably met.
- The EMFF must not be used as an instrument to finance the development and preservation of overcapacities. It must, however, contain funding possibilities for modernisation - on the strict proviso that the fished target species are managed sustainably, that the fleet capacities of the Member State in question are in line with its fishing opportunities and that the fleet capacities and the fishing potential of the fleet of the Member State do not increase as a result.
- In addition to new ones, existing enterprises in the aquaculture sector must also be able to receive funds from the EMFF to build new production sites.
- Fishing enterprises which have contravened fisheries regulations multiple times or seriously shall be excluded from the award of EMFF funds in the future.

Aquaculture

- We support the plans to strengthen sustainable aquaculture and inland water fisheries. This should emphasise the significance of fish farming for the respective regions in the Member States even more clearly. For this reason, existing aquaculture operations must continue to be eligible for funding awards. This also applies to founding Aquaculture Advisory Councils, which should enable better participation in developing measures targeted towards aquaculture.
- To develop as sustainable an aquaculture as possible, in-depth research on alternative feeding methods must be promoted in order to reduce the negative impacts of the current use of fish meal.

Market policy and consumer information

- We support the plans to boost producer and sectoral organisations as part of the amendment of the common organisation of the markets for fishery and aquaculture products. This also holds true for the plans to simplify the intervention system and improve information for consumers.
- The Federal Government is called on to continue to advocate Community Guidelines with minimum standards for fishery sustainability labels. Here the European Commission proposal must be improved.

- To bolster the producer organisations, they must continue first and foremost to manage the quotas.

External dimension

- In the context of the negotiations on the reform of the Common Fisheries Policy, the Federal Government should advocate and work towards the same rules being applied as in EU waters for all the EU fishery activities in third countries and in international waters, and their compliance with the development policy aims of the EU.
- The sustainability principle must not stop at the boundaries of the EU waters. That is why we support the European Commission's intention to do more to further the sustainability goal also in the bilateral Fisheries Partnership Agreements and the Regional Fisheries Management Organisations. Here, improving the basis of scientific data, more effective fisheries oversight and combating illegal fishing are of particular importance.
- It must be guaranteed that only sustainably available fishing opportunities are exploited. Here, steps must be taken to ensure that conflicts of interest with local fishers in the context of a sustainable use of fishing resources are avoided.
- There must be strict adherence to the principle envisioned by the European Commission according to which European fishermen and women are only to be granted fishing opportunities in fisheries agreements that the partner states cannot take advantage of themselves.
- More transparency must be required in these partnership agreements on additional arrangements between partner states and third countries, in order to avoid overfishing of local fish stocks.
- Financial support provided to the fisheries sector in partner countries must be made independent from all payments for fishing access rights, whilst, however, being bound to the principle of sustainable fishing.
- The new voluntary guidelines of the FAO Committee on World Food Security on the responsible use of fishing grounds ("Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security") must be taken into due account.
- Developing countries should be supported more in being able to effectively oversee waters in their territory and better law enforcement through organisational and technical measures.
- The development policy measures in the context of the fisheries agreements should aim to increase value creation in the partner countries, for instance by means of mandatory landing requirements for EU fishing boats, and by promoting the processing capacities and the development of artisanal fishing capacities in the partner countries.
- A coherency requirement in relation to the EU's development policy goals (in accordance with Article 208 TFEU) must be included explicitly in the goals defined in the chapter on the external dimension of the basic regulation.
- Capacities for scientific studies on the state of fish stocks must be bolstered both within the EU and in the partner countries.

- Rules and target values for the sustainable management of migratory fish species must be set with due consideration of the total stock and including the states which also fish the affected stock.

Berlin, 25 September 2012

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Rainer Brüderle and the FDP parliamentary group

Explanatory memorandum

The basic regulation on the current European Union Common Fisheries Policy (CFP) came into force on 1 January 2003. In its green paper on the reform of the CFP, the European Commission comes to the conclusion that the CFP has failed to meet its essential objectives to date: many European fish stocks are still overfished, for many fisheries the economic situation is still difficult in spite of high subsidies and fishing is not a very attractive occupation. The economic situation of many coastal areas reliant on fishing also remains difficult.

On 13 July 2011, the European Commission therefore presented an ambitious proposal for the reform of fisheries policy for the post-2013 period. The fundamental goal is to create the essential conditions required for the conservation of European fish stocks and fisheries and of the marine environment. The core element of the reform is to build and conserve healthy fish stocks. To this end, all stocks should be managed under the framework of the *MSY - maximum sustainable yield* by 2015.

With the adoption of the European Marine Strategy Framework Directive (MSFD) in 2008 and its aim of creating a healthy marine environment by 2020, the Federal Government has entered into another commitment which makes successful reform of the Common Fisheries Policy indispensable.

More than half of European stocks in the North East Atlantic are now managed sustainably. For many stocks, however, valid scientific data on the level of the MSY and how it is to be calculated in the ecosystem-based approach is lacking. In order to raise all European stocks to MSY level, the European Commission proposes the introduction of multi-annual management plans for all fish stocks. These are indispensable for preserving or restoring fish stocks and make an important contribution to providing planning certainty for the fishermen and women. Management plans combine the environmental requirements and economic and social considerations. In the future, the multi-annual management plans should encompass several species in order to comply with an ecosystem approach, and be drawn up on the basis of sound scientific data. The best example of a successful management plan is the plan for cod in the Baltic Sea. The stock has developed well since the plan was introduced and is now larger than it was 20 years ago.

At EU level, there are already management plans in place for numerous stocks, including for cod, plaice and sole in the North Sea and for cod in the Baltic. Other management plans are currently in the process of being drawn up. In addition to this, the EU has agreed on management plans with Norway and in the context of Regional Fisheries Management Organisations, for instance for bluefin tuna in the Mediterranean and East Atlantic. The introduction of management plans has also contributed to significantly reigning in the practice of the Council of Ministers, criticised anew every year, of setting allowable catches above the sustainable catches proposed by scientific community. Whilst in 2008,

51% of the allowable catches were still above the scientific recommendation, in 2012 this was down to just 11%¹.

The introduction of discard bans and landing obligations is a constructive instrument to support sustainable fishing. These will also help to swiftly improve the scientific data available, so that allowable catches can be set more accurately on the basis of the MSY approach and management plans drawn up more promptly. However, it is not possible to fully grasp the implications of the regulations proposed by the European Commission. This is particularly true when it comes to furnishing fishermen and women with sufficient by-catch quotas. This could lead to some fish species previously of no economic significance becoming a limiting factor and to the closure of fisheries (so-called choke-species) which have not fully exhausted the quota for their main target species.

Furthermore, there is the fact that in the European Commission's approach, fisheries and fish species with high survival rates for fish thrown back into the water are not taken into account. The chosen approach would actually increase fishing mortality in these fisheries further in contradiction to the actual objective. A fisheries-related approach is therefore preferable to the species-related approach selected. At the same time it must be ensured that the by-catches brought to shore must be able to be processed in as high-quality a way as possible, without creating incentives to increase by-catches. Fish is a valuable resource whose fate must not be to end up obligatorily as nothing more than fish meal. Moreover, it remains unclear whether and in what form an adjustment of the total allowable catches can be implemented whilst maintaining the same fishing mortality and preserving relative stability.

The European Commission proposes introducing a market-based mechanism using tradable fishing rights in order to reduce fishing fleet overcapacities which exist in many Member States. The European Commission hopes to reduce the fleet capacity in the European Union by introducing this system and thus also the fisheries-related pressure on the available resources. The proposed transferable fishing concessions largely overlap with the system of allocating fishing opportunities which already exists in Germany today. However these, in contrast to the current system in Germany of solely exchanging quotas, are to be able to be rented out, leased and sold.

The permanent allocation of private property rights over public goods such as living marine resources must be viewed critically. The Member States must continue to bear the responsibility for ensuring that fish stocks on their territory are managed sustainably in the future as well. The state must not withdraw from its responsibility to preserve this important natural resource.

Whether and to what extent the aim of reducing overcapacity through the tradability of allowable catches can indeed be attained remains unclear and speculative. Instead, however, with cross-border trade the danger exists that the catches may migrate to existing excess capacities. Reducing the number of fishermen and women or fishing capacities is not politically desired in many coastal regions. The European Commission has therefore proposed exempting the small, artisanal coastal fisheries from such a system. This would not lead to a reduction in the overcapacities in the Mediterranean where the stocks are overfished the most. In other regions of Europe, on the other hand, there would be the risk of fishing concessions increasingly being concentrated in the hands of just a few enterprises with plenty of capital. In light of this, the German Bundestag is not convinced that the tradability of fishing rights can significantly contribute to solving the problems of European fisheries.

The dual criterion of fishing effort and the fishing quota is environmentally unnecessary and economically counterproductive for stocks for which the allowable catch was determined according to

¹ Communication from the Commission to the Council on 07.06.2012, p. 14; COM(2012)278 final.

MSY and which are fished by fleets which are in line with fishing opportunities. The instrument of fishing effort must therefore be restricted to fisheries for which no catches have been set in accordance with MSY and for which there is a biological need to regulate fishing.

The European Commission wants to end the micro-management at EU level and accords regionalisation a very important role in its proposals. In the future, only general decisions are to be taken at EU level. Management is to be decided at the level of the Member States or in regional bodies, such as Baltfish for instance. This initiative by the European Commission makes sense in principle, as the Regional Advisory Councils have built up extensive specialised knowledge. The role of the Regional Advisory Councils which already exist is not sufficiently recognised in the presented proposals in the view of the Bundestag. The expert opinions of the Regional Advisory Councils have not been afforded the consideration they deserve in the past.

The multitude of delegated acts through which the European Commission is empowered to adopt acts itself must be viewed critically. This particularly concerns the multi-annual management plans, devising and shaping technical measures and the processing of scientific data, fisheries management and oversight.

The European Maritime and Fisheries Fund (EMFF) is an essential part of European maritime and fisheries policy. It implements the key aims of the Common Fisheries Policy and Integrated Maritime Policy. It aims on the one hand to promote the sustainability and competitiveness of fisheries and aquaculture, so as to contribute to better protection of the environment and to resource efficiency. On the other hand, it is meant to increase employment and worker mobility in the fisheries sector, develop new and secure prospects for those employed in the sector and ensure the competitiveness and attractiveness of the coastal regions. The EMFF should make it possible to promote alternative employment opportunities and the diversification of income opportunities to a greater degree. One of the main focal points, however, must be on researching selective and innovative fishing methods in order to do justice to the aims of a future Common Fisheries Policy.

To date, with all forms of funding contained in the European Fisheries Fund (EFF) awarded for investments to equip ships, there has been the danger of this funding contributing to increasing or maintaining overcapacity on the market. To ensure that the EMFF cannot be used as an instrument for financing the increase and preservation of overcapacities in the future, too, it is of fundamental importance that it is absolutely only investments in fishing boats which are not part of overcapacities – on the basis of the criteria set by the EU – that receive funding. On this proviso – and only then – is it possible to envisage and justify funding for modernisation.

The EFF is characterised by huge administrative expenses. Some *Länder* (federal states) and many businesses have opted out of the EFF because the bureaucracy costs are completely disproportionate to the funding. Should the administrative expenses increase further, other *Länder* have announced their intention to opt out. Coordinating the EMFF with the other funds and harmonising application and funding procedures could lead to a significant reduction in red tape. Here, the special nature of the EMFF as the smallest fund must be taken into account. At the same time, however, the EMFF proposal contains a wealth of new administrative tasks. The EMFF proposal is an example of the European Commission speaking of reducing red tape whilst actually creating more. On this front it is highly important for the Maritime and Fisheries Fund to be coordinated with the other large development funds of the EU, such as the European Fund for Regional Development (EFRD), the European Social Fund (ESF), the Cohesion Fund (CF), and the European Agricultural Fund for Rural Development (EAFRD), whilst taking into account the special nature of the EMFF as the smallest fund.

The principle of sustainability must not stop at the boundaries of EU waters. The current CFP reform offers a major opportunity to finally put the activities of the EU fishing fleet along the coast of developing countries and on the high seas on a sustainable footing. For the first time, the “external dimension” is being included in the basic CFP regulation with its own chapter. The draft legislation proposed by the European Commission does already contain some important changes but falls far too short in terms of its development policy dimension.

Fundamentally, we welcome the fact that the EU fisheries agreements with developing countries are to be structured in a more environmentally and socially responsible way. This alone does not suffice, however. As the abilities of developing countries to manage and monitor their fishing grounds independently are limited, the EU should continue to support these countries in developing their fisheries sector, including effective monitoring mechanisms. Above all, the artisanal fisheries and their contribution to the sustainable use of marine resources should be promoted and supported.