



Reform of the Common Fisheries Policy (CFP), 2014-2020

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Section Science and Environment Section

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- The 2002 base regulation for the CFP requires that the CFP should be reviewed before the end of 2012.
 - The European Commission published reform proposals in July 2011.
 - UK fisheries Minister Richard Benyon called the proposals a vital step in long negotiations.
 - The UK Government favours decentralisation of the CFP. It also hopes to eliminate discards.
 - The (separate) annual negotiations in December 2011 saw reduced days at sea matched by some increased quotas.
 - The EFRA Select Committee reported on the EU proposals to reform the CFP in February 2012. They pressed for decentralisation of decision making, but wanted to delay a ban on discards until 2020.
 - The Commons debated the EFRA Committee report on [15 March 2012](#) cc431-85
 - In June 2012 Richard Benyon reported progress in EU negotiations on discards.
 - On 1 January 2014, agreement was reached between EU Member States on a package of reforms to the CFP, including:
 - A ban on the wasteful practice of discarding perfectly edible fish (effective as of 1 January 2015);
 - A legally binding commitment to fishing at sustainable levels (the Maximum Sustainable Yield where possible from 2015 and everywhere by 2020);
 - Decentralised decision making, allowing Member States to agree the measures appropriate to their fisheries.
 - The Government consulted (31 March to 12 May 2014) with industry and stakeholders over how best to implement these reforms.

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1 Background

The system of Total Allowable Catches (TACs) and quotas started in 1983. Every year, the European Commission proposes a TAC for each commercial species for each area within the EU 200-mile limit. The TACs are agreed by the Council of Ministers – normally with some increases from the original proposals – at the end of the year. Each TAC is then divided into national quotas according to the principle of “relative stability”. This important principle means that catches are divided between Member States according to the relative amounts that they were fishing of that type of fish in that area in the late 1970s.

Some fishermen consider that system unfair to the UK because in the 1970s the UK fishing fleet concentrated upon the waters around Iceland. They were expelled from those waters when fishing limits were extended to 200 miles around 1977 but were not allowed to expel fishermen from other EU states from waters around the UK. The case can be argued but the principle of relative stability is unlikely to change because to do so would open up the CFP to claims from other countries for quotas.

Coastal waters do have preferential access by fishermen from the coastal state. Within 6 miles from the coast the waters are preserved for those fishermen. Between 6 and 12 miles, the waters are also shared with fishermen from those countries that have traditionally fished there.

There are two main problems with controlling fishing by means of quotas. First, fishermen have an incentive to catch more fish and sell them illegally. Second, in mixed fisheries, they may be allowed to continue fishing for haddock (for example) when the cod quota is already exhausted. They catch cod and haddock, but have to discard the cod (already dead) to comply with the quota rules.

In order to get round those problems, the EU has tried to introduce principles of effort control. Certain types of gear are banned but that does not always have the desired effect. For example, a large-meshed net can be drawn tight, to replicate the effect of a banned small-mesh net. Sometimes fishermen are given financial incentives to retire and withdraw their boats from the fleet. That is popular, but the least efficient fishermen with the oldest boats tend to accept the money and retire. Fishing capacity is not greatly changed. The only reliable way of reducing fishing effort is to insist that the boats remain tied up in the harbour.

Fishing boats are steadily becoming more powerful and efficient, while problems of overfishing remain unsolved. The stock of commercial fish is under severe pressure. Some people argue that European Fisheries risk a repeat of the collapse of the Newfoundland cod stock. A library note covers this issue, [Overfishing and Fisheries Policy](#), (SN/SC/2979).

2 The Common Fisheries Policy Reform proposals, July 2011

A European Commission Press Release described the Commission's reform proposals:

The proposals include:

- basing fisheries management on long-term goals and the best scientific advice available
- setting catch quotas to bring all fish stocks to sustainable levels by 2015, in line with the EU's international commitments
- requiring fishermen to land all the fish that they catch – they will not be allowed to discard unwanted fish species caught
- reducing fleet overcapacity through market measures rather than subsidies – for example, individual catch quotas would be tradable among fishermen
- providing support to help small-scale fisheries adapt to the changes
- giving more power to EU countries on conservation measures so these can be tailored to regional and local needs – fishermen would also make their own decisions on fleet sizes and supply
- supporting sustainable fish farms to meet the demand for fish
- providing consumers with better information on the quality, origin and sustainability of the seafood they buy

EU financial support will be granted only to environmentally friendly fisheries projects. Strict controls will end funding for rule-breakers or projects that lead to overcapacity.

The Commission also plans to promote fisheries conservation internationally through new EU agreements with other countries.

Next steps

The proposals now go before the European Parliament and EU governments for consideration.¹

Here are the full proposals - [Reform of the Common Fisheries Policy](#), (13 July 2011)

Fisheries Commissioner Maria Damanaki explained her intentions. The current system was not working sustainably. If no reform took place, only 8 stocks out of 136 would be at sustainable levels in 2022:

This is why today I am presenting a comprehensive overhaul of the policy: an articulate package including a Communication explaining the contents of the reform; a new Basic Regulation for fisheries; a new Common Market Regulation; and a Communication on the international aspects of the Common Fisheries Policy.

Each of these is entirely new and equally important. But the three key concepts underpinning them all are: Sustainability, Efficiency and Coherence.

Environmental sustainability means bringing all stocks to sustainable levels by 2015. We have committed to this at the Johannesburg UN World Summit in 2002, and the same principle is contained in the United Nations Law of the Sea and in our recent Biodiversity Strategy.

Maximum Sustainable Yield – MSY - means that we can keep fishing. But we have to manage each fish stock in such a way that we can get maximum fish production while still keeping the stock sustainable. With the reform, MSY becomes a legal obligation in all our acts.

A second thing we need to do for sustainability is stop waste: discards, which can amount to 60% of catches in some fisheries, undermine all our data collection efforts and are morally and environmentally unacceptable. So I propose to change the system so that all catches are landed and counted against quotas.

A third element of the sustainability focus is the ecosystem approach: the long-term plans for stock management that we have already started need to become the common denominator of all our fisheries. As new ecosystem information becomes available, it has to be fed into the plans.

MSY, a discard ban and the ecosystem approach will change the way we fish: but we also need to change our management set up – and improve Efficiency.

She complained about the centralisation of decisions in the current Common Fisheries Policy:

By contrast to that, I want to decentralize. For example, let's say that Parliament and Council set a long-term plan for a fish stock in the Gulf de Gascoigne – a plan containing specific objectives to keep the fish stocks at MSY level.

The choice of instrument, or instruments' mix, is up to Member States, cooperating at regional level; what counts for us is that they do achieve the objective, not how they achieve it. The EU has to be the lighthouse, if you will, showing the way. Member States, regions and industry have to steer the ship - and avoid the rocks.

It is a more flexible form of management based on results rather than methods, and it goes to the advantage of Member States and regions, who have to deal with far less

¹ European Commission Press Release, *European Commission: a fisheries policy for the future*, 13 July 2011

micro-management from Brussels and can better coordinate measures with the industry or, optimally, devise them together with the industry!

This is a crucial point, because I think that not involving operators sufficiently, not taking full advantage of their immense expertise and know-how, has been a mistake in the past. From now on, fishermen organisations must be and feel responsible for managing fish stocks jointly with us and with the national regulators.

One way that contributes to giving responsibility back to the industry as well as to sustainability is a more market-based system of access to fleets.

Tradable concessions have been introduced in many countries and proved effective in tackling overcapacity: for instance in Denmark the demersal fleet was slimmed down by 30% and the pelagic one by 50%. Norway, the U.S., Australia and New Zealand also show success with this approach.

Fishing Concessions give operators enough flexibility to implement the discard ban and adapt to quotas. If vessel owners are allowed to trade concessions they can obtain a tailored combination of quotas according to their actual fishing patterns; and they can even fine-tune that allowance in real time, during fishing operations, by leasing somebody else's concession so as to land all catches without breaking the law.

We propose tradability at national level only, and we propose safeguards to protect legitimate public policy concerns like preventing too many fisheries interests to be concentrated in the hands of a few. And the small-scale fleet will be exempt, to prevent it from being absorbed by bigger operators.

So we have regionalisation, result-based management and intelligent rights-based management to make us more effective. The third pillar, Coherence, simply means that all other instruments, from market organisation to financial support, must be aligned to the first two.

Proper labelling, for instance, is an essential aspect of this reform: I want consumers to make informed purchasing choices. I want to help them make sustainable choices. Consumers are part of this reform too, just like the sector, we can all play a part in making coherent choices for the future.²

3 Comment on the European Commission proposals 2011

UK Fisheries Minister, Richard Benyon, stressed the need for radical reform and the need to end discards:

“Today’s proposals from the European Commission are a vital first step and we are ready to work with the EU and other Member States to deliver the radical reforms the marine environment and our fishermen need and the public now expects.

“Because our fisheries are so varied, I don’t believe that a one size fits all approach, from the Mediterranean to the sub-arctic region, will work effectively. There has to be the flexibility to work with the industry to introduce a range of tailored measures to tackle discards that are genuinely effective without simply turning a problem that happens at sea to a problem on land.

“This is the start of lengthy negotiations, and we will play a full part in helping to improve them. I am confident that we can make the case for the radical reform that is

² “European fisheries reform speech by commissioner Maria Damanaki”, *Guardian*, 13 July 2011

needed, alongside our allies at home and abroad, to grasp this once in a decade opportunity.”³

In October 2011, the Minister updated this in reply to a PQ:

Stephen Phillips: To ask the Secretary of State for Environment, Food and Rural Affairs what proposals she has made to the European Commission on amending the common fisheries policy.

Richard Benyon: The UK Government are committed to achieving genuine and radical reform of the common fisheries policy (CFP). The European Commission's proposals for reform are a welcome start but we need to work with others—including member states, the European Parliament and the European Commission—to agree the changes necessary to deliver real reform. In particular, UK proposals are aimed at eliminating discards, decentralisation of decision-making, a more economically rational fisheries management system, greater integration of fisheries and environmental management, and also applying the principles of sustainable use both outside EU waters and within.⁴

The annual Westminster fisheries debate took place on 15 November 2011. Richard Benyon summed up, making a few points about the CFP:

I intend to get more management control out to 200 miles. With the marine conservation zones, it is vital that we get buy-in from the European Union, otherwise we might have the perverse case of conservation zones that are just for fishermen from the United Kingdom, not for those on vessels that fish from other parts of the EU.

Member states must be able to work regionally to develop management plans and to implement measures that are appropriate to their fisheries, but currently the proposals lack crucial detail on how regionalisation will work. I understand that there are legal constraints to devolving power, particularly to the regional level, but proposals must enable nations fishing in the same areas—often for the same fish, as Members have said—to come together and agree on how to manage their fisheries.

This debate is, of course, also important for allowing us to set out clearly that our partnership with fishermen, both in terms of science and how government works, is vital. This is a critical time for fisheries management and I am sure that the House shares my commitment and enthusiasm to take this once in a decade opportunity to overcome the structural failings of the CFP. It is a long and challenging road ahead, but the UK has a major role to play in influencing the new policy and, with negotiations under way, progress is being made.

However, there is a lot more we can and must do to deliver the reformed CFP that we want. We need continued engagement with the European Commission, other member states and the European Parliament to exert maximum influence throughout the negotiations. We also need to continue working closely with NGOs, fishermen, retailers, processors and others with an interest in fisheries and the marine environment to secure a policy that will deliver a real change for the future of fisheries and the marine environment. I hope that hon. Members will continue to support the Government's view that fundamental reform of the CFP is required. I fully support the motion.⁵

³ Defra Press Release, [Richard Benyon responds to Common Fisheries Policy reform proposals](#), 13 July 2011

⁴ HC Deb 27 October 2011 cc287-8W

⁵ HC Deb 15 November 2011 cc742-3

The European Commission may be encouraged to press for radical reform by a report arguing that measures aimed at reducing capacity have failed:

The Court concluded that current measures have failed. Overcapacity of the fishing fleet continues to be one of the main reasons for the failure of the Common Fisheries Policy in ensuring sustainable fisheries. A new approach may be needed or existing measures must be better enforced. The Commission shares most of the observations and the recommendations of the Court. Maritime Affairs and Fisheries Commissioner Maria Damanaki said:

"The report of the Court of Auditors reinforces my conviction that business as usual is not an option. We need new ideas. In our proposals for a new Common Fisheries Policy we want to break with the past. We are addressing overcapacity through a system of tradeable fishing concessions at national level and with safeguards to avoid concentration of ownership. In the new financial instrument, the European Maritime and Fisheries Fund, we propose to no longer finance scrapping of vessels, but instead spend the money on projects which will make a real difference."⁶

Richard Benyon stressed the need for more regional autonomy in April 2012.⁷

The Scottish Government was more critical:

EU Fisheries Policy

13/07/2011

EU plans to reform the Common Fisheries Policy (CFP) don't go nearly far enough, according to Scottish Fisheries Secretary Richard Lochhead, although the long-awaited opportunity to fix the current broken and damaging regime is to be welcomed.

The Scottish Government supports moves for a much clearer emphasis on fisheries conservation and a commitment to tackle the scandal of discards - however, some proposals are ill-fitting for the mixed fisheries the Scottish fleet operates within. Mr Lochhead has also highlighted the danger posed by the Commission's support for the international trading of fish quota.

Richard Lochhead said:

"The Common Fisheries Policy has taken decision making over our vast and rich fisheries away from Scotland and into the hands of Brussels, to the severe detriment of our fishing communities and fisheries conservation. That's why we must grasp this once in a generation chance for radical root-and-branch reform of European fisheries policy.

"I welcome the fact the EU has put forward long-awaited proposals for change, however they need to be a lot more radical if Brussels is not to repeat the many mistakes that have caused so much damage in recent decades.

"Thankfully, there is the opportunity to improve these initial proposals during the tough negotiations that lie ahead over the next two years. With implementation of a new policy planned for 2013, it's critical that Scotland's voice is heard in Europe so we can influence its development and bring our expertise to the table.

⁶ European Commission Press Release, [Fisheries: Commission welcomes European Court of Auditors report on fishing overcapacity](#), 12 December 2011

⁷ Defra Press Release, *Minister calls for radical changes to Common Fisheries Policy*, 27 April 2012

"I'm pleased that the meaningful conservation of stocks is set to be at the heart of a reformed CFP, with the ecological and economic madness of the discarding of marketable fish - currently enforced on our fishermen by the CFP - to be addressed. I am concerned, however, that a one-step move to a blanket ban on discards could prove counter-productive. Instead, we should be working with fishermen on practical measures that would stop these discarded fish being caught in the first place.

"There is also a huge threat to Scotland lurking within these proposals because, alarmingly, the Commission is advocating an expansion in the international trading of fishing quotas. Selling quota to Europe's highest bidders will erode Scotland's historic rights which in turn could spell doom for our fragile fishing communities. Our fishing rights would end up with faceless overseas-based multinationals, rather than in the hands of future generations of Scots fishermen.

"The Commission's proposal for regionalisation is a welcome start but they don't go far enough. In the complex mixed-fishery of the North Sea it makes sense for Scotland and other nations to have more control over their own fisheries, working in partnership with neighbouring maritime nations."⁸

The National Federation of Fishermen's Organisations and the Scottish Fishermen's Federation briefed MPs:

The MPs shared the Federation's views that there is a long way to go before the package could be said to represent a viable way forward for European fisheries.

Also of shared concern was the perception that the central theme in the Commission's decentralisation proposals would be a delegation of decision-making responsibility from the Council of Ministers and the European Parliament to the Commission – in effect just a different kind of top-down centralised system of control. By contrast the proposals for a greater degree of real management decisions at regional seas level are vague and unclear.

In fairness, the proposal for a new basic regulation for the CFP represents a framework and much of the detail will require secondary legislation. However, it is already clear that there are grounds for fears that the CFP reform is set to follow the model of the current cod management plan where objectives, targets and timetables are set centrally, with a subordinate and highly constrained role for the member states in implementing the rules that determined from above. We already know and STECF/ICES will shortly confirm that this is a model that has failed to achieve its objectives.

The Commission's Green Paper on CFP reform identified over-centralisation and micromanagement as a core reason why the current CFP has repeatedly failed to achieve its objectives. To that extent the Commission's proposal is a disappointment which unless amended by the member states and European Parliament, will again lead to the CFP failing to achieve its objectives. Writing rules in Brussels is one thing; delivering effective fisheries management across many complex and diverse and fisheries is another, which is why the argument for a radically decentralised CFP, albeit subject to standards and principles laid down at European level remains the, so far unfulfilled, goal for so many at fisheries level.⁹

⁸ Scottish Government Press Release, *EU Fisheries Policy*, 13 July 2011

⁹ NFFO Press Release, *MPs Briefed on CFP Reform*, 14 July 2011

4 Discards and environmentally responsible fishing

The main problem of discards and waste arises from the quotas set in mixed fisheries. For example, in a mixed fishery of cod and haddock, fishermen may finish the cod quota but still be allowed to fish for haddock. However, they catch cod as a by-catch. They are not allowed to land it, so they discard it, already dead.

Fisheries Minister Richard Benyon in the Westminster Hall Debate on Fisheries in December 2010 came out strongly in favour of a catch quota system:

Richard Benyon...I do not think that anything can be worse than what we have now. We must have a decentralised system, and that is what I will be leading on in the reform process.

The hon. Lady represents the two important ports of Peterhead and Fraserburgh, and my two visits to her constituency have proved to me the importance of the fishing industry there. I value the clear way in which I was briefed about her fishing interests, and she was right-as were other hon. Members-to point out the affront of discards. Discards are first and foremost an affront to fishermen, and they are increasingly an affront to the public and the consumer. I was recently interviewed at Billingsgate market by Hugh Fearnley-Whittingstall, whom I congratulate on leading an important campaign to raise awareness of this issue. His questions surprised me, as he seemed to think that I would somehow be a Minister in a suit who would try and defend the status quo. He was surprised that I out-outraged him with my hyperbole and my opposition to discards.

We must look at where we can succeed. Some schemes have been mentioned today; the hon. Lady mentioned catch quotas, and others have spoken about Project 50%. My hon. Friend the Member for Totnes (Dr Wollaston) raised that issue, and on three occasions, I have heard the commissioner quote it as a shining example of what can be achieved. I intend to build on those important points.

Zac Goldsmith: How realistic is it to say that we will move to a system of catch quotas? I have no doubt that the Government are committed to dealing with that problem, but realistically, how likely is it that we will see a change in policy?

Richard Benyon: I forget the figures for the English fleet, but in Scotland, there are 17 vessels in a catch quota system. That represents about 20% of that fleet-perhaps not; I cannot remember the exact figure. At the moment, that system is a trial. We tried to persuade the Commission-and we will continue to try-that we must move beyond a trial. We want to get every vessel possible into a catch quota system because, for reasons that I will mention, that is the solution. Fishermen are incentivised to do something that gives them more fish, ends discards and is a bottom-up approach. It makes fishermen part of the solution, and instead of being the battered person at the end of the line being hit by a stick, they are given a carrot to find a solution. I will go on to talk about mackerel, which was mentioned by the hon. Member for Banff and Buchan and others.¹⁰

Unlike traditional quotas, where vessels have a set limit on the fish they can land and are forced to throw excess fish back in the sea dead, catch quotas allow for all fish caught to be landed. By stopping wasteful discards, this means fewer fish are taken from the sea yet more can be landed by fishermen. To ensure there are no discards, the fishing practices of participating vessels is fully documented through on-board cameras. The Scottish

¹⁰ HC Deb 2 December 2010 cc380-382WH

Government will provide up to £400,000 for the purchase and installation of the monitoring equipment.¹¹

The catch quota scheme was expanded after the annual fisheries agreement on quotas in December 2010:

The agreed expansion of Scotland's catch quota scheme for 2011 will more than double the 17 vessels currently involved in the trial to land, rather than be forced to discard, an extra amount equal to 12 per cent of the Total Allowable Catch (TAC) for cod. The Scottish Government has now written to the European Commission, setting out the scheme selection criteria and list of applicants and seeking their agreement to proceed.

In 2009, Scottish vessels were forced by the Common Fisheries Policy to discard almost 28,000 tonnes of fish, around a quarter of the whitefish catch, valued at 33 million pounds.¹²

During the debate on 15 March 2012, Fisheries Minister Richard Benyon made two important points on discards:

I remind him that more than half the tonnage of discarded fish has absolutely nothing to do with the European Union but is because it is made up of species that we do not eat and for which there is no market. There is a supply chain solution to that if we are imaginative. I am not diminishing the blame that must be apportioned to the system of management that creates the remainder of the discards, and we must not stop trying to deal with that, but more than 50% of discards are because there is no market. Great progress is being made on that, not least by DEFRA, through good projects such as Fishing for the Markets.

I am glad that my hon. Friend the Member for Thirsk and Malton mentioned my evidence to the Environment, Food and Rural Affairs Committee, in which I said how wrong it would be if we created a system that transferred a problem over the horizon at sea to one of landfill. Through a discard ban or an elimination of discards, we need to progress a supply chain solution to creating new markets for fish.¹³

In April 2012, he announced that the catch quota trial had been a great success:

Fishermen have radically cut the amount of fish they discard following the success of the Government's 'Catch Quota' trials, Fisheries Minister, Richard Benyon has announced today.

Last year's 'Catch Quota' trial was introduced to reduce discards of North Sea cod and for sole in the Western Channel and results show that those participating in the trial have been successful in reducing discards of both stocks to just 0.2%. In 2010, the average discard rates were 38% for North Sea cod trawlers and 28% for Western Channel sole beam trawlers.¹⁴

5 EFRA Committee wants long delay before discards ban, 2012

The EFRA Select Committee reported in February 2012, [EU proposals for reform of the Common Fisheries Policy](#). The summary shows caution over discards:

¹¹ "[Scottish Government Expands Catch Quota Scheme](#)", The Fish Site, 17 December 2010

¹² [New catch quota scheme plans progressed](#), fish update.com, 4 January 2011

¹³ HC Deb 15 March 2012 c482

¹⁴ Defra Press Release, *Successful trial dramatically reduces discards*, 10 April 2012

- We strongly support the Commission's desire to minimise discarding rates. We welcome the proposal to move from landing quotas, which legitimise discards, to catch quotas, which provide an incentive for fishermen to fish more selectively. However, we are concerned that by deciding to implement a discard ban swiftly and without full engagement with stakeholders, the Commission risks creating a scheme that will be unworkable, or worse, will merely shift unwanted fish in the sea to unwanted fish on land. Moreover, we are concerned that survival rates after discarding have not been assessed for all the species covered by the proposed ban and so the ban could have perverse environmental impacts. We propose delaying the discard ban until 2020 to give time to do the groundwork for its successful implementation. This is not an excuse to ignore the discard problem—effective and proactive measures must be put in place in the mean time to incentivise more selective fishing.

The Committee also favoured local decision making:

- The centralised micro-management of fisheries by the European institutions has been widely criticised. The essential first step is to improve the CFP's governance through a more ambitious programme of decentralisation. The Commission believes that the EU's exclusive competence over the conservation of marine resources restricts the extent to which powers can be passed back to Member States. However, we have identified a lawful means of qualifying the EU's exclusive competence through amending the CFP Regulation itself, without requiring Treaty change. This could deliver an effective 'locally as possible' approach to fisheries management in line with the ambitions of stakeholders, national governments, and the Commission itself. We recommend that Defra pursue this opportunity further.

6 Progress on discards, June 2012

On 14 June 2012, Richard Benyon reported on an agreement in Luxembourg:

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Richard Benyon): I am very grateful to my hon. Friend for asking this question, as it gives me the opportunity to run through some of what we achieved in the small hours of the morning in Luxembourg. On 12-13 June, I represented the UK at the Agriculture and Fisheries Council in Luxembourg to discuss the reform of the common fisheries policy. This was a critical negotiation where I was asked to give my agreement on key elements of this once-in-a-decade opportunity to reform the broken CFP, through agreement of a “General Approach” text. My aim has all along been to combine radical political ambition with a strong focus on the practical means to ensure early delivery. I am pleased to report to the House that we secured agreement to key planks of the reform we are seeking. This includes some key demands that I know the House has sought previously, and that remain hugely important to the British public.

We successfully made the case for measures to progressively eliminate discards, with deadlines that kick in quickly after the conclusion of the reform. The text provides for a landing obligation in pelagic fisheries from 2014, and a staged implementation in our other fisheries between 2015 and 2018. Although not all member states shared our ambition for urgent action, a commitment to implement a landing obligation, with a provisional timetable, is a major step in the right direction.

We also secured the inclusion of provisions setting out a genuine regionalised process to replace the centralised one-size-fits-all approach. The UK has led work with other member states over the last year to find solutions to that. The provisions allow us to work together regionally—for example with other North sea member states, to agree the measures appropriate to our fisheries. That is a crucial start in moving decision making closer to fisheries.

As for my other top priority, we secured a responsible approach to setting fishing levels. Overfishing has been a central failing of the CFP, and the UK was adamant that the text should include a clear legal commitment, and deadlines for that, to achieve maximum sustainable yield in line with our international commitments. Through the discussions in Council, the UK has played a leading role in developing solutions and building alliances with other member states to shape the text we agreed in the early hours of yesterday.

This is not the end of the process. The Council of Ministers has now given a clear steer but the dossier will be co-decided with the European Parliament, so we will continue to work with others to improve the legal provisions and we will also guard against any weakening of the approach. This is a major step towards real reform on a long and difficult road and I do not expect these negotiations to conclude until well into 2013.¹⁵

This was followed by a question session. The Minister explained what happens next:

Richard Benyon: We now enter a process of Kafkaesque complexity. The reforms will go to the European Parliament's Fisheries Committee in October, and we will then consider what it thinks of them. They will then go to the plenary session of the European Parliament. They will then be examined again by the institutions early next year through a trialogue process. We will then come forward with a reform, hopefully about this time next year, for implementation in January, which is in 18 months' time.¹⁶

7 Implementing CFP reforms

Following on from the negotiations between Member States, on 1 January 2014, the reforms to the CFP were agreed.¹⁷ The reforms announced include:

- A ban on the wasteful practice of discarding perfectly edible fish;
- A legally binding commitment to fishing at sustainable levels; and
- Decentralised decision making, allowing Member States to agree the measures appropriate to their fisheries.

The reformed CFP will see a ban on discarding in pelagic fisheries (such as mackerel and herring) on 1 January 2015, with a further ban on discards in all other fisheries from 1 January 2016 to 2019.

8 Consultation on CFP reform

On 31 March 2014, the Fisheries Minister, George Eustice, announced to Parliament a package of public consultations concerning the implementation of reforms to the CFP:

The UK Government is today launching a package of public consultations concerning the implementation of reforms to the Common Fisheries Policy (CFP).

As part of the reform of the CFP, a new basic regulation and Common Market Organisation of Fishery and Aquaculture Products (CMO) entered into force on 1 January 2014. The new European Maritime and Fisheries Fund (EMFF), which will support our fishing industry under these reforms, is due to be adopted shortly. The package of consultations being launched today covers aspects from all three of these areas.

¹⁵ HC Deb 14 June 2012 c467

¹⁶ HC Deb 14 June 2012 c474

¹⁷ Defra Press Release, "[New Common Fisheries Policy deal ends discards](#)" (10 December 2013).

Securing fundamental reform of the CFP was crucial, but successfully implementing these reforms is of equal importance to ensure that we can safeguard our marine environment and all those who rely on it.

One of the most important achievements of the CFP reform negotiations is the phased introduction of a landing obligation, also known as a discard ban. The landing obligation will put an end to the wasteful practice of discarding, preventing fish being thrown back into the sea after being caught unless under very specific exemptions. This will start in 2015 for pelagic fisheries, and be rolled out to other fisheries from 2016.

The consultations launched today set out the Government's proposed approach to implementing the pelagic landing obligation in England. Some of the main issues that we are gathering views on include how we will ensure our stocks are managed sustainably, how we monitor compliance and how we manage available quota to match it to the catch that would previously have been discarded.

At the same time we are seeking views on how we can best use the EMFF to support implementation of the reformed Common Fisheries Policy. We are also consulting on a new national aquaculture strategy and how we implement changes to the fish labelling legislation in England and introduce new legislation on marketing standards in England and Wales for fishery and aquaculture products.

The CFP reform has attracted interest and passion from many different groups. A key element to making these reforms work in practice will be continuing to work closely with all those affected. This is why my department will continue to work closely with the fishing industry and other interested groups as we develop our policy to implement these reforms.¹⁸

The consultations ran from 31 March to 12 May 2014 seeking views on three aspects of the CFP:

- the UK's proposed strategy to implement the [European Maritime and Fisheries Fund](#);
- proposals to [implement the pelagic landing obligation](#) in England; and
- proposed changes to the current [fish labelling domestic legislation](#) in England, and new domestic legislation on marketing standards in England and Wales for fishery and aquaculture products.

8.1 European Maritime Fisheries Fund (EMFF)

The EMFF is the fund for the EU's maritime and fisheries policies for 2014-2020. It is one of the five European Structural and Investment (ESI) Funds which complement each other and seek to promote a growth and job based recovery in Europe. [The UK's proposed strategy to implement the European Maritime and Fisheries Fund](#) was set out in its consultation document where it identified the areas of strategic priority.

The [summary of responses](#) to the Government consultation was published in July 2014:

- Eighteen responses to the consultation were received in total from the fishing / aquaculture sectors, and also Local Authorities, Non-Departmental Public Bodies and Non-Government Organisations.

¹⁸ [WMS 31 Mar 2014](#) | CWS90

- In answer to question 2: “Do you agree with the strategic priorities proposed for the fund in the UK” Ten responses were received, all supporting the proposed strategic priorities for the fund in the UK.

8.2 Pelagic Landing Obligation—Discards

The Pelagic landing obligation, of the reformed Common Fisheries Policy, will mean all fish caught in pelagic fisheries must not be returned to the sea, except when subject to specific exemptions. The ban will come into force on 1 January 2015. Discard bans on other species and fisheries are due to come into effect in subsequent years.

The [Government consultation](#) sought views on its proposed implementation of the pelagic landing obligation in England. It was seeking views on proposed changes to: quota management; access to exemptions; monitoring and enforcement; and catch management.

The [summary of responses](#) to the Government consultation was published in July 2014:

- A total of 21 responses were received from a range of sectors including the fishing industry, environmental NGOs, the processing sector and delivery bodies. This is in addition to views gathered at a series of engagement activities that took place across England during the consultation period.
- The majority of respondents broadly agreed the proposed measures to implement the requirements outlined in the CFP basic regulation 1380/2013 in England. Some respondents took the opportunity to comment on the challenges and opportunities the landing obligation as a whole will bring, providing examples to illustrate specific issues for individual fisheries.
- One area of concern raised concerned the allocation of any uplift in pelagic species quota, carrying and storing fish not for direct human consumption and the use of exemptions.

8.3 Marketing Standards and Labelling Requirements

The consultation set out the proposed enforcement framework to provide the Marine Management Organisation (MMO) and Trading Standards Officers (TSOs) in England with the power to ensure compliance with the marketing standards required by the new CMO Regulation and its accompanying implementing legislation. These standards are part of the [Common Organisation of the Markets \(CMO\)](#) policy for managing the EU market in fishery and aquaculture products.

Five [responses to the consultation](#) were received, published in July 2014. They fell generally into 4 themes as follows:

- That the fish labelling legislation guidance needs amending as well as the legislation;
- That the labelling requirements in respect of catch and production areas in Article 38 of 1379/2013 also need to be included in the labelling requirements;
- That the Impact Assessment is not reflective of the real financial impact on the retail sector (the Government subsequently revised its impact assessment to reflect these comments); and

- There were additional comments made in relation to the role of Producer Organisations in implementation of the CMO which were also raised - issues which were outside the scope of the consultation.

Following on from the consultation, the [Fish Labelling \(Amendment\) Regulations 2014](#) were laid before Parliament, and take effect from 13 Dec 2014. The [Explanatory memo](#) sets out the background and rationale of the regulations further.

9 Annual fishing industry debate, December 2014

On 11 December 2014, a backbench business debate was convened on the topic of the [fishing industry](#).¹⁹ This debate gave MPs a chance to debate issues related to the fishing industry, including quotas, marine conservation and in particular provided an opportunity for Ministers to question the Fisheries Minister on his priorities for the EU Agriculture and Fisheries Meeting on 15/16 December 2014.²⁰

A number of issues were raised by Members during the debate, this included:

- Criticism of the top-down nature of the CFP reforms and of the MMO's data collection and quota management in the UK;
- Members called on the Minister to phase in the discards ban more gradually;
- Members suggested that the requirement to fish at Maximum Sustainable Yield (MSY) should be delayed until 2020, to avoid harming the UK fishing industry; and
- There were also expressions of support for fishermen and concern over the high mortality rate in the industry.

The opposition's shadow Fisheries Minister, Angela Smith echoed many of these sentiments and finished her speech by summing up Labour's position:

"We believe that the interests of the marine environment go hand in hand with the best interests of the fishing industry and of our hard-pressed coastal communities. As my right hon. Friend the Member for Tynemouth (Mr Campbell) pointed out, we need to develop stronger partnerships with the fishing industry to shape the transition to that more sustainable future. More than anything, we need to be able to use good scientific data to underpin our approach to delivering that future. I await the Minister's responses to the questions raised with interest and once again thank the sponsoring Members for today's debate."²¹

At the end of the debate, George Eustice Fisheries Minister responded to Member's statements and questions. On the issue of the forthcoming EU Fisheries meeting, he stated:

"Last Thursday I had a meeting with Commissioner Vella in Brussels to begin the negotiating process for the December Council. I made a number of key points on the science. First, we should use the most recent data available where they are relevant. In the south-west, in particular, there is a lot of evidence of a late recruitment of haddock this summer, which we want to be taken into account in the December Council. Secondly, when it comes to data-limited stocks, we oppose simply having an automatic, precautionary approach. We believe that we should make the best possible

¹⁹ [HC Deb 11 Dec 2014 c1003-1055](#).

²⁰ [HC Deb 11 Dec 2014 c1003-1055](#).

²¹ [HC Deb 11 Dec 2014 c1044-1048](#).

judgment with the data we have, rather than having arbitrary cuts, and we have made that point already to the Commission. Thirdly, as the hon. Member for Great Grimsby highlighted, it is important to have what we call mixed fisheries analysis. There is no point in dramatically cutting the quota for one species if it is in a mixed fishery, because fishermen cannot avoid it and will therefore end up having to discard it. Finally, we want to ensure that account is taken of the increased use of more selective gears.”²²

10 EU Agriculture and Fisheries Meeting, December 2014

On 15 and 16 December 2014, the Fisheries Mr George Eustice MP represented the UK at the EU Agriculture and Fisheries Council meeting alongside representatives from the Scottish and Northern Irish devolved administrations (Richard Lochhead and Michelle O’Neill).²³

Prior to the meeting Fisheries Minister [George Eustice explained his ambitions and negotiating priorities for the meeting:](#)

“I’m committed to supporting our world class fishing industry and will be aiming to deliver a fair deal for our fishermen across the UK. To do this we’ll be using the best and most up to date science available to make the right decisions for our stocks and fishing fleets that depend on them.

“We have a strong track record of leading the pack when it comes to fisheries including securing reforms to the broken Common Fisheries Policy so regional differences are now taken into account in decision making.

“Having heard from different parts of our fleet I will be representing the entirety of UK fisheries to achieve our shared goals of a thriving fishing industry, sustainable fish stocks and a healthy marine environment. Setting annual quota ensures the sustainability of our stocks and is a vital process to support the long term future of the industry.”²⁴

After the meeting, the European Commission set out the agreed fishing opportunities in 2015 for certain fish stocks in EU and non EU waters and commented on the outcomes as follows:

“The Council reached a political agreement on fishing opportunities for 2015 for EU vessels in Union and certain non-Union waters on the basis of a Presidency compromise, drawn up in agreement with the Commission.

[...]

“This is the first time that those fishing opportunities are set under the rules of the Common Fisheries Policy (CFP) reformed last year. The new CFP establishes that decision-making such as fixing fishing opportunities must be guided, among others things, by scientific advice. Furthermore, the new CFP aims to restore and maintain a maximum sustainable yield (MSY) of the fish stocks and provides for a progressive elimination of discards in all EU fisheries through the introduction of an obligation to land all catches.”²⁵

²² [HC Deb 11 Dec 2014 c1047-1055](#).

²³ Defra Press Release: [UK secures fair fisheries deal in Europe](#), (16 December 2014).

²⁴ Defra Press Release: [UK lobbies for fair fisheries deal in Europe](#) (16 December 2014).

²⁵ European Commission, [“PRESS RELEASE: 3360th Council meeting Agriculture and Fisheries Brussels”](#) (15/16 December 2014).

11 2015 fishing quotas

The negotiations on fishing quotas resulted in agreements to increase quota from 2014 levels for fishermen in several areas, including: North Sea cod 5%; Nephrops (prawns) 15%; and plaice 15%. The Government also negotiated for reduced quota cuts in other areas, for instance initial proposals would have seen Celtic Sea cod quotas cut by 64%, but this was reduced to 26%.²⁶

2014 quotas for a number of stocks were maintained for 2015 in several instances, including: Irish Sea haddock; South West angler (monkfish) and megrim; Bristol Channel plaice; and North Sea megrim, dab and flounder, sole and ling. The Government also accepted proposals for cuts to protect stocks, including: Celtic Sea cuts to herring (35%), and cod (26%); and North Sea cuts to herring (5%) and saithe (15%).²⁷

Negotiations with the Faroe Islands delivered additional quota and opportunities to catch a number of species in Faroese waters. An early agreement with Norway on fishing opportunities in the North Sea was agreed prior to the Fisheries Meeting which will see a quota rise in haddock and cod in 2015.²⁸

Environmental groups, such as [Greenpeace](#), expressed their displeasure at the agreed fishing quotas for 2015 for failing to adequately protect depleted fishing stocks.²⁹ In addition, [Pew Charitable Trust](#) – an independent think-tank which advocates a sustainable fisheries policy – criticised EU Ministers for setting quota agreements higher than the scientific advice.³⁰

The [National Federation of Fishermen's Organisations \(NFFO\)](#) – the fishing industry body – hailed the agreements on fishing quotas for 2015 as striking a balance between protecting fishing livelihoods, whilst continuing to rebuild fish stocks.³¹

At the culmination of the meeting, Mr Eustice reflected on a deal that “[strikes the right balance between supporting business and conserving fish stocks](#)”, stating:

“While fishermen had feared there would be major cuts from the Commission, by bringing new science to the table we were able to keep the same quota as last year for many species, including monkfish, megrim and pollock in the South West and skates and rays around the UK. This was in addition to important increases to North Sea cod and haddock quota which will benefit Scottish fishermen.

“In some cases there are still some reductions in quota, but I entered these discussions with the firm belief that any decisions need to support our shared goals of a thriving fishing industry, sustainable fish stocks and a healthy marine environment. If we want a long-term future for our industry we have to listen to the available science and agree fishing opportunities which support the sustainability of our stocks.”³²

²⁶ Defra Press Release: [UK lobbies for fair fisheries deal in Europe](#) (16 December 2014).

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ Greenpeace Press Release: [EU fisheries ministers fail to end overfishing](#) (16 December 2014).

³⁰ Pew charitable Trust, [“EU Fisheries Council Sets Catch Limits Higher Than the Scientific Advice”](#) (16 December 2014). Accessed online: 22 December 2014.

³¹ NFFO, “Press Release: Ministers strike a balance to protect livelihoods’ – December council outcomes” (18 December 2014). Accessed online: 22 December 2014.

³² Defra Press Release: [UK secures fair fisheries deal in Europe](#), (16 December 2014).

For a more detailed overview of the negotiation and agreement of fishing opportunities in 2015, see the Library Standard Note, [UK Fishing Quota Agreements for 2015](#).