

27.11.2009

Decision
of the Bundesrat

**Green Paper from the Commission of the European Communities:
Reform of the Common Fisheries Policy****COM (2009) 163 final.; Council Document 8977/09**

In its 864th plenary session on 27th November 2009, the Bundesrat adopted the following Resolution pursuant to §§ 3 and 5, Act on Cooperation between the Federation and the Federal States in European Union Affairs (EUZBLG).

General comments on the proposal

In the light of the planned 2012 reform of the Common Fisheries Policy, the Commission tabled a Green Paper on 22th April 2009 and launched a public consultation procedure, scheduled to run until the end of the year.

By way of substantiation of its proposals, the Commission notes that the Common Fisheries Policy (CFP) is currently confronted with a situation characterised by overfishing, fleet over-capacity, the sector's economic vulnerability and a decline in catches by European fleets, and indicates that the current CFP has failed to prevent these problems.

However, in the approach it has adopted for the reform, the Commission continues on the whole to pursue the goals it established for the 2002 reform, most of which have not been attained. The Commission does not intend to adopt a direct approach in tackling the core problems of over-capacity, over-fishing and monitoring, but aims instead to resolve these indirectly via other instruments, and thus inter alia calls into question the cornerstones of relative stability.

The forthcoming reform appears to have questionable prospects of success, given the way in which the CFP has developed over the last few decades and the approaches enumerated in the Green Paper. An additional concern is that further

legislation is being proposed as a means of resolving the problems. This approach would make the CFP even more cumbersome and complex, and render it even less transparent.

The Bundesrat therefore requests the Federal Government to ensure that particular attention is given to the following points in the forthcoming consultations on the Green Paper:

- Simplification of the CFP

Many aspects of the current CFP are excessively complicated, as well as being structured in an unclear fashion and comprising too many regulations, which increasingly constitutes an excessive burden on fishermen and administrations. This is one of the main reasons for the failure of the existing CFP. However, the Green Paper fails to establish objectives to make the CFP simpler, more transparent and easier to implement. Furthermore, the Green Paper does not identify clear objectives on uniform implementation of the CFP's provisions across the EU. As limiting the number of provisions would make implementation more thorough, simpler and more transparent than is the case with the large number of provisions currently in force, changes are also required in this respect.

If it is to be successful in the future, fisheries policy must therefore become simpler, more transparent and easier to implement. This objective must be addressed in the discussion and become an essential principle in reform of the CFP. The goal of reducing the number of provisions must be an important priority in discussions on the Green Paper, along with convincing proposals to make procedures less bureaucratic.

- The problem of over-capacity

Over-capacity is not an issue for all fishing fleets and Member States. That means it will only be possible to solve the problem by identifying and analysing actual over-capacity, coupled with a differentiated policy mix.

The fundamental problem of over-capacity must be resolved. That means that this problem needs to be addressed head-on. However no proposals along these lines are included in the Green Paper; instead, it is proposed that indirect instruments should be utilised, which allows the issue to be interpreted in a different fashion.

The Commission should therefore be requested to submit appropriate proposals to reduce overcapacity; these should tackle the capacity problem directly and in a differentiated fashion, taking into account the capacity reductions that have already been implemented in the Member States. The idea of resorting to indirect instruments should be rejected.

- Relative stability

The principle of relative stability, including national quotas and the right to quota swaps, is one of the cornerstones of the CFP. In Germany's view, the system of national quotas, managed by the Member States in keeping with the circumstances in each country, has proved its worth. If there is efficient monitoring of fishing fleets, this system, in conjunction with Fisheries Partnership Agreements and the EU's membership of Regional Fisheries Management Zones, is the most reliable way to ensure that Member States continue to share responsibility for sustainable fishing, and to offer reliable prospects for the future of European fishing in all EU coastal states.

From the German perspective, the principle of relative stability and the national quota system are – and will remain – essential cornerstones of the CFP and are not negotiable. Any Commission proposal to resolve the problem of overcapacity by reallocating quotas or by replacing quotas with an approach based solely on fishing effort management must therefore be rejected.

- Artisanal coastal fishing and access to coastal waters

In the CFP context, the Commission frequently refers to artisanal (small-scale) coastal fisheries. In practice however the regional specificities of these fisheries, which also include, for example, quota-free prawn fishing, are scarcely taken into account in legal provisions. Furthermore, so far no definition of artisanal coastal fisheries has been provided.

In the future Community provisions should focus more on the particularities of artisanal (small-scale) coastal fisheries. In order to ensure that these fishing fleets are fit for the future, the option of providing subsidies for new construction projects should be reconsidered.

The 12 nautical miles regulation, whereby the coastal waters of a Member State are strictly reserved for its own fleet, must be maintained.

- Regional Advisory Councils

The Bundesrat is in principle favourably disposed to strengthening Regional Advisory Councils. Decisions must however continue to be taken at the European level.

- Sustainable management of resources

The goal of sustainable management of resources should be supported. This includes phased introduction of discard bans and landing bans for unwanted by-catches, incentives to encourage selective fishing and increased responsibility for the fishing industry on a voluntary basis.

In addition, in the spirit of sustainable resource management and with a view to stabilising important fish stocks, the proposals should also include aquaculture-based fishing management measures for marine aquaculture.

Provisions on inland aquaculture and inland fisheries should however not be included in the scope of the Common Fisheries Policy and should fall within the ambit of Member States' legislation.