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## **EU Fishing industry disappointed over European Parliament vote on the external fishing fleet regulation**

Today, the European Parliament (EP), in its plenary session in Brussels, voted in favour of the new proposal for a regulation on the sustainable management of external fishing fleets (COM(2015)636). The whole EU fishing industry is deeply concerned with one of the articles adopted since it could put out of business environmentally and socially responsible fishing companies which may commit one single mistake.

This Regulation offers an excellent opportunity to review the existing regulation, in order to promote simplification, increase transparency, improve governance, better monitoring and enforcement of rules, while ensuring its sustainability. The whole EU fishing industry fully endorse these objectives and stress the need to strike the right balance between the sustainable management of fishing activities outside Union waters and the need for solid and speedy administrative procedures.

The eligibility criterion established in Article 5.1.d, however, states that the operator and the fishing vessel can only apply for a fishing authorization if they have not been subject to a sanction for a serious infringement during the 12 previous months. The EP has slightly restricted the scope of the article to serious infringements committed by fishing vessels and the master of the fishing vessel, which in view of the sector is far from being a viable solution.

The fishing body, in line with the opinion of the Council of the EU and the European Economic Social Committee, highlights that this provision sets a **double penalty system**, which is **disproportionate**, since the vessel and the captain of the vessel would be subject not only to the penalties provided for in the Control<sup>1</sup> and IUU<sup>2</sup> Regulations, but also to the non-eligibility to obtain authorisation for 12 months.

The fishing body recalls that fishermen can and are already heavily penalised for any serious infringements they may commit under these two core Regulations to deter illegal fishing. For instance, the Control Regulation lays down a points system for serious infringements which could lead to the permanent withdrawal of the fishing licence. The IUU Regulation establishes dissuasive penalties such as the immobilisation of the fishing vessel and the suspension or withdrawal of authorisation to fish. Against this scenario, this new rule would be applicable on top of these, establishing an extra sanction regardless of the nature or gravity of the infringement.

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<sup>1</sup> Articles 90 to 92 of Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the CFP

<sup>2</sup> Articles 42 to 47 of Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing

Javier Garat, President of Europêche stated: *“the EU long-distance fleet have been playing a key role in creating jobs within and outside the Union and supplying fish to Union and local markets. They are a vital part of the EU fishing fleet which are highly monitored and controlled. More than 700 large vessels and 10.000 direct jobs are now unnecessarily put under threat since a single mislabeling or a box miscount could be considered as a serious infringement by Member States authorities. The cessation of fishing activities for a 12 month period would not only impact the fishing industry but other related industries and services. Fishermen feel frustrated since all their efforts to be at the global forefront on sustainability and best practices are once again disregarded by EU institutions”.*

Javier Garat continued *“The problem becomes bigger due to the **lack of homogeneity on the Control Regulations** of the different Member States, as identified by the EP Fisheries committee last semester, which could lead to extremely different penalties for the same infringement only based on the flag of the vessel in question. The EU must ensure that all its citizens enjoy the same rights and obligations, rather than exacerbate the differences among them.*

*Furthermore, this article **infringes the principle of non-discrimination**, since the same infringements do not incur the same penalties within and outside EU waters. For the same infringements, those fishing outside the EU would have an additional penalty such as non-eligibility to obtain a fishing authorisation for 12 months. This would mean creating a double standard for similar infringements.”*

The fishing body concluded that this rule would expose fishing vessels operating in third country waters to the control systems of these countries without any prior democratic validation of these systems in many cases.

The fishing sector expects that the EU Institutions in the upcoming trilogue negotiations reverse the current situation and reach a balanced political compromise on this distressing issue.

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**Europêche** represents the fisheries sector in Europe. Currently, the Association comprises 15 national organisations of fishing enterprises from the following 10 EU Member States: DE, DK, ES, FR, IT, MT, NL, LV, PL, UK.

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