

# REPORT ON THE SIMPLIFICATION OF THE COMMON FISHERIES POLICY

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SECRETARIAT GENERAL FOR FISHERIES



GOBIERNO  
DE ESPAÑA

MINISTERIO  
DE AGRICULTURA, PESCA  
Y ALIMENTACIÓN



# REPORT ON THE SIMPLIFICATION OF THE COMMON FISHERIES POLICY

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## INTRODUCTION AND OBJECTIVES

In 2024, the European Commission initiated the procedure to assess the Common Fisheries Policy (CFP) Regulation under the framework of the "better regulation" guidelines. Its aim is to analyse how the CFP is performing now that it has been in place for ten years (2014-2024) and assess its effectiveness, efficiency and relevance in terms of conservation of biological marine resources, management of fisheries and fleets, and its impact on the supply chain, consumers and public authorities of Member States. As part of this assessment, the Commission issued a call for evidence and conducted a public consultation.

In line with this process and the political priorities of the European Commission on improving governance and cutting red tape, on 27 October 2025 the *2025 Annual Progress Report on Simplification, Implementation and Enforcement of Commissioner Costas Kadis* was presented to the Agriculture and Fisheries Council (AGRIFISH Council) of, underlining the need to advance towards a more efficient, coherent and straightforward application of the CFP.

Similar opinions were expressed at the informal lunch of AGRIFISH Council on 22 September 2025, which also focused on simpler and improved implementation of the CFP, to ensure that the rules are easier to understand, more proportional and better adapted to real operating conditions in the sector.

Thus, given the interest shown by Spain—which made over 60% of the contributions to the public consultation—the Ministry of Agriculture, Fisheries and Food has drafted this report analysing the regulations, to support the process of reforming and simplifying the CFP.

This report examines in detail Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC, as well as other related regulations, including implementing regulations.

The aim is to identify the articles and provisions that create real-world obstacles and to propose their removal or amendment, providing a solid technical basis which will allow the future CFP to respond better to the current situation of the fisheries sector and to the needs of the authorities responsible for applying the CFP.



## LIST OF REGULATIONS ANALYSED

This simplification exercise affects the following regulations:

1. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (CFP Regulation) ..... 7
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7. Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (“SMEFF” Regulation) ..... 28

8. Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007 .....	29
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## EXPOSITION

1. **Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (CFP Regulation)**

### **Adaptation of the definition of fishing effort (Article 4)**

#### Rationale

Article 4(1), **point 21** of the CFP Regulation defines “**fishing effort**” as “*the product of the capacity and the activity of a fishing vessel; for a group of fishing vessels it is the sum of the fishing effort of all vessels in the group*”.

This definition does not make sense when fishing effort is limited by total allowable catch (TAC), quotas, or maximum allowable fishing effort. Therefore, the definition should be adapted to fishing effort control measures which are already in place under the CFP and, as a result, review fishing capacity ceilings when fishing effort is limited by TAC, quotas or maximum allowable fishing effort.

#### Proposed alternative

Our proposed new definition for “fishing effort” is as follows: “*the product of the capacity and the activity of a fishing vessel; if activity is limited by management rules of the fishery where it is operating, the fishing effort shall be as established by said management rules; for a group of fishing vessels it is the sum of the fishing effort of all vessels in the group*”.

### **Landing obligation (Article 15)**

#### Rationale

**The landing obligation** has been in force for 10 years; at first gradually, as a principle, and since 2019, as a universally applicable rule. It has caused a choke effect; underuse

of legitimate quotas; an increase in working time, costs, and catches of unsellable and undersized fish; and changes in fishing patterns with destabilising ripple effects (for example, in the case of North Sea cod).

### Proposed alternative

A reassessment of the impact of this measure is required, taking into account the different possible scenarios. The reassessment must consider the different factors which affect this measure (type of fishery, modes of fishing or fishing gears affected, benefit-cost ratio, etc).

The results of the analysis should determine whether it would be advisable to maintain or eliminate this measure. Decisions must consider the rationale and benefit-cost ratio thereof, and whether potential additional measures could revert harmful effects.

We believe these measures should only remain in place in fisheries with proven positive net results from both an ecosystem perspective in relation to the resource and a socio-economic perspective in relation to the fisheries sector; and in cases where additional measures to revert harmful effects of the application of this measure can be established without a significant socio-economic impact.

A clear example where these measures are not justified is the application of landing obligation to the Mediterranean—where fishing fleets are mainly small-scale—and to regional fisheries organisations (RFOs). The latter may on occasion adopt regulations which contradict or make it impossible to comply with landing obligation (as explained in the [Study supporting the evaluation of the landing obligation](#) which the Directorate-General for Maritime Affairs and Fisheries requested from consulting firms).

Moreover, the transition period for the implementation of this obligation for fisheries referred to in Article 15 must be eliminated, as it is now obsolete.

## **Allocation of fishing opportunities (Articles 16 and 17)**

### Rationale

As established by Article 2(2) of Regulation 1380/2013 on the CFP, corroborated by a European Court of Justice judgment<sup>1</sup> issued at the start of 2024, the allocation of fishing opportunities for Member States through **TAC and quotas set out in annual regulations** must take into account economic, social and environmental sustainability.

### Proposed alternative

It is important to stress **economic, social and environmental sustainability** in the allocation of fishing opportunities through TAC for each fishing season. This is why the CFP Regulation must explicitly mention that decision-making is always to be based on specific studies that take into account economic, social and environmental factors—which are at the heart of the CFP—and not only on the best available scientific information.

## **Maximum sustainable yield (Articles 16 and 17)**

### Rationale

To ensure that fishing and aquaculture are environmentally sustainable in the long term and are managed in line with the objectives of generating economic, social and employment benefits, and to contribute to availability of food products, the **maximum sustainable yield (MSY)**, as the essential criterion to establish fishing opportunities, must be applied flexibly so as to ensure the social and economic goals are also met, which are also central to the CFP.

### Proposed alternative

As proven with the exceptions made in the allocations of some TACs (for example, lobster - functional unit (FU) 30), data on the effectiveness of measures is required, as is sufficient time to allow these measures to prove their effectiveness, applying procedures used by scientific bodies in their evaluations.

It is also necessary to establish criteria to **allocate multiannual TACs**, to increase adaptability and predictability in the fisheries sector and the effectiveness of measures taken. It is therefore crucial to establish compulsory multiannual TACs for all species for which these criteria can be established.

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<sup>1</sup> Judgment of the European Court of Justice (Fifth Chamber) of 11 January 2024 — Friends of the Irish Environment CLG v Minister for Agriculture, Food and the Marine, Ireland, Attorney General (Case C-330/22)

Similarly, it is essential that TAC allocations establish a **stabilizer** when setting quotas. It should also be taken into account that, for most species, recovery of stocks only becomes apparent after more than 3 years. A relative stability key of  $\pm 20\%$  is already applied in some multiannual plans, leading to a substantial improvement in fisheries sector predictability. We therefore recommend it be applied on a general basis.

Lastly, when setting quotas for species which, for different circumstances, are subject to a zero-catch recommendation from the International Council for the Exploration of the Sea (ICES) or are subject to a recommendation to reduce the catch due to their biological condition, it should be taken into account that if a 20% limitation on the previous year has been established, the next year should be subject to a roll-over, using stabilizing criteria (in fact, the roll-over entails a 20% reduction on year 0).

## **Data requirements for fisheries management (Article 25)**

### Rationale

The collection of data is subject to many variables, such as the availability of research vessels. Article 25(7) needs to be adjusted, allowing room for manoeuvre (already the case informally). We propose that the possibility be given to include an explanation for the situation (for example, this year a problem at the shipyards has meant our vessels have been inactive for longer than expected and have been unable to collect data on the blue whiting season).

### Proposed alternative

*7. Failure by a Member State to collect and/or to provide data in a timely manner to end-users without proven grounds may result in a proportionate suspension or interruption of relevant Union financial assistance to that Member State, in accordance with a future Union legal act establishing the conditions for the financial support for maritime and fisheries policy for the period 2014–2020.*

## **Consulting scientific bodies (Article 26)**

### **Rationale**

An external review of the work of the Scientific, Technical and Economic Committee for Fisheries (STECF) must be conducted to assess its performance thus far and areas for improvement, so that its recommendations on fishing opportunities in all fishing grounds undergo a similar process (the same for the Mediterranean and the Atlantic) and are peer-reviewed. The dissimilarities in the processes and time-frames between ICES, the Scientific Advisory Committee (SAC) on Fisheries and STECF have often been highlighted in the past.

### **Proposed alternative**

We therefore propose the following paragraph be added:

*“An external review of the work of the STECF shall be conducted within a year to assess its performance and areas for improvement, so that its recommendations on fishing opportunities in all fishing grounds undergo a similar process and are peer-reviewed. Thereafter, reviews shall be conducted periodically, at least every 5 years.”*

## **Principles and objectives of Sustainable fisheries partnership agreements (Article 31)**

### **Rationale**

Before entering into a new set of sustainable fisheries partnership agreements (SFPAs), it is essential to resolve the problem of **“dormant” or inactive agreements**. Because of exclusivity clauses, EU fleets are not allowed to fish in large areas of the oceans. This is because the European Commission considers that unless an agreement has been terminated, even if no protocol remains in force, it is not possible for the EU fleet to obtain direct authorisation or enter into chartering agreements in the relevant exclusive economic zone (EEZ).

The EU currently has 10 “dormant” or inactive agreements: on the one hand, those with the Cook Islands (pending provisional application), Cote d'Ivoire and Sao Tome and Principe, which are in the renewal phase; on the other, those with Equatorial Guinea, Liberia, Micronesia, Morocco, Mozambique, Senegal and the Solomon Islands, which are not expected to be reactivated in the short term.

Spain has repeatedly stated to the European Commission that dormant agreements must cease to be valid if they are not used for a reasonable amount of time, with no need for explicit termination. This would enable States to seek direct authorisations under Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008, as well as chartering agreements (which are of great interest for the tuna fishing fleet).

We have also proposed that the European Commission Legal Service consider that, if the protocol of a specific agreement is not in force, as the protocol is part of the agreement, fishing under direct authorisation should be permitted.

Therefore, we consider that Article 31(5) of the CFP Regulation should address this matter to resolve this situation. Our proposal is as follows:

#### Proposed alternative

*“Union fishing vessels shall not operate in the waters of the third country with which a Sustainable fisheries partnership agreement is in force unless they are in possession of a fishing authorisation which has been issued in accordance with that agreement. The agreement shall establish a framework for cases where the agreement in force does not have an application protocol, allowing vessels to operate under direct authorisations.”*

### **Annex II to the CFP Regulation**

#### Rationale

Annex II to the CFP Regulation divides the fishing capacity ceiling of the Spanish fleet into 4 **segments**, one for the fleet with home port on the mainland and the Balearic Islands, and three for the fleet with home port on the Canary Islands.

At this time, when the fleet is gradually shrinking, the existence of 4 segments makes management of fishing capacity more complicated, preventing identification of capacity where it is most needed for fleet modernisation.

### Proposed alternative

Annex II to the CFP Regulation should be amended so that the fishing capacity ceiling is in one sole segment for the whole of the Spanish fleet and the outermost region of the Canary Islands has no specific capacity distribution. As a result, Spain would only have the following segment:

Member State	GT	kW
Spain (including outermost regions)	423 550	964 826

## 2. Amendment of provisions related to Article 22 of the CFP Regulation

### Adjustment and management of fishing capacity

Article 22 of the CFP Regulation, on “**Adjustment and management of fishing capacity**”, provides that the Member States shall each year prepare “*a report on the balance between the fishing capacity of their fleets and their fishing opportunities. To facilitate a common approach across the Union, that report shall be prepared in accordance with common guidelines which may be developed by the Commission indicating the relevant technical, social and economic parameters.*”

Fleet segmentation and assessment are therefore carried out in accordance with the following provisions:

2.1 *Communication from the Commission to the European Parliament and the Council: Guidelines for the analysis of the balance between fishing capacity and fishing opportunities according to Art 22 of Regulation (EU) No 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy (COM(2014) 545 final)*

### Rationale

The biological and technical indicators included in these guidelines are complex and do not reflect the actual balance of fleet segments. The specific problems are as follows:

- As regards **biological indicators**, it is impossible to calculate the sustainable harvest indicator (SHI) for small-scale segments whose catch is made up of multiple species. As there is less data available for these stocks, it is not possible to obtain the variables F (fishing mortality rate) and  $F_{MSY}$  (fishing mortality rate that would in theory, give the MSY from a particular stock year after year) with which to calculate the SHI.

The stocks at risk (SAR) indicator is also not representative of the Spanish fleet, as some of its vessels fish in non-EU countries that carry out the same fishing activity but whose catches are not taken into account.

- Moreover, the **technical indicator** relating to vessel use only produces valid results for segments that are very homogeneous in terms of fishing season, fishing strategies and fishing areas.

### Proposed alternative

We propose amending the guidelines, as described below, to establish biological and technical indicators that enable an assessment more closely aligned with the reality of the fleet as reflected in existing data:

- As regards **biological indicators**, we propose the use of data from national assessments, as well as the use of alternative indicators such as the catch per unit of effort (CPUE). We propose that a segment be deemed to be exploiting stocks at risk when such stocks make up more than 10% of its catches and the removal of the second criteria for this indicator, which establishes that a segment is considered to be exploiting stocks at risk when it takes more than 10% of the catches of the stock.
- As regards the **technical indicator**, we propose its removal or, alternatively, the application of a threshold for activity that is appropriate to the segment analysed, taking into account historical data on its activity.

### 2.2 Commission Delegated Decision (EU) 2021/1167 of 27 April 2021 establishing the multiannual Union programme for the collection and management of biological, environmental, technical and socioeconomic data in the fisheries and aquaculture sectors from 2022

### Rationale

The segmentation provided for in this Commission Delegated Decision does not permit the establishment of fleet segments that are aligned with our fishing fleet's actual activity.

### Proposed alternative

This is why we propose amending Table 8 "Fleet segmentation" to update the gear classes that can be used in fleet segmentation, with the inclusion, moreover, of specific fishing gears. In this regard, Table 8 should include the different gear types that may be used for the purposes of data collection, and which are set forth in Table 5 "Fishing activity (metier)".

### 3. Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (EMFAF Regulation)

#### **Budgetary resources under shared management (Article 5)**

##### Rationale

Article 5(5) of the EMFAF Regulation provides that: “*The Union financial support from the EMFAF allocated per Member State to the total sum of the support referred to in Articles 17 to 21 shall not exceed the higher of the following thresholds: (a) EUR 6 000 000; or (b) 15 % of the Union financial support allocated per Member State*”.

This means that no Member State can allocate more than EUR 6 000 000 or more than 15% of its total EMFAF allocation, whichever value is higher, to the support referred to in Articles 17 to 21 of the regulation.<sup>2</sup>

We consider this limitation to be misaligned with the objectives pursued by the EMFAF, as it applies to matters of entirely different natures. While Articles 17, 18 and 19 are intended to foster generational renewal and fleet renovation, Articles 20 and 21 regulate permanent and temporary cessations of fishing activities. This limitation therefore represents **two obstacles**, as it restricts Member States’ possibilities of funding cessations and, moreover, obliges them to choose between compensating fleets for being inactive (cessations) and committing to renewal and modernisation, options which are diametrically opposed to one another.

##### Proposed alternative

We propose that this threshold be amended to enable a more effective implementation that is more closely aligned to the actual situation of each Member State, thus furthering the objectives of the European Green Deal and favouring the sustainable future of the fisheries sector.

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<sup>2</sup> First acquisition of a fishing vessel (Article 17), Replacement or modernisation of a main or ancillary engine (Article 18), Increase in the gross tonnage of a fishing vessel to improve safety, working conditions or energy efficiency (Article 19), Permanent cessation of fishing activities (Article 20) and Temporary cessation of the fishing activities (Article 21).

## **Admissibility of applications (Article 11)**

### **Rationale**

The principle that the granting of support shall be conditional upon compliance with CFP rules is reflected in Article 42(3) of the CFP Regulation, which provides that: *“Member States shall ensure that Union financial assistance is granted only if no penalties for serious infringements have been imposed on the operator concerned within a period of one year prior to the date of application for Union financial assistance.”*

However, under Article 11(2) of the EMFAF Regulation, the conditions for the admissibility of applications (among them, not having committed serious infringements under applicable Union provisions, not having been involved in the operation, management or ownership of a fishing vessel included in the Union illegal, unregulated and unreported fishing (IUUF) vessel list, or of a vessel flying the flag of countries identified as non-cooperating third countries, and not having committed any of the environmental offences set out in applicable Union provisions) shall continue to apply until 5 years after the final payment.

Continuing to apply the admissibility conditions until 5 years have passed since the final payment not only causes technical and administrative problems, but also represents a barrier, discouraging the fisheries sector from seeking public funds. The effect is to curtail the number of applications, limiting the effectiveness of support policies and increasing the gaps between large and small operators as regards access.

### **Proposed alternative**

We propose removing the stipulation laid down in Article 11(2) of the EMFAF Regulation to lessen the administrative burden, strengthen legal certainty and foster a more active use by the fisheries sector of public instruments to support its modernisation and sustainability. Removing this requirement, while maintaining reasonable and proportionate conditionality until payment, would enable us to rebuild trust and confidence, increase sector participation and guarantee more effective and more efficient use of European funds.

## **First acquisition of a fishing vessel (Articles 13 and 17)**

### **Rationale:**

Article 13 of the EMFAF Regulation provides that, as a general rule, *“the construction, acquisition or importation of fishing vessels, unless otherwise provided for in Article 17”* shall not be eligible for support from the EMFAF.

For its part, under Article 17, on the first acquisition of a fishing vessel, by way of derogation from point (c) of Article 13, support may be granted to a natural person who is no more than 40 years of age for the acquisition of a fishing vessel not longer than 24 metres in overall length that has been registered in the Union fleet register for at least 3 calendar years in the case of a small-scale coastal fishing vessel, and for at least 5 calendar years in the case of another type of vessel.

The ban on State aid for the construction of fishing vessels and the restriction regarding overall length, are limiting factors based on outdated reasoning, which confuses renovation with overcapacity. In a context in which innovation, energy efficiency, safety and generational renewal must be prioritised, this policy is obsolete, ineffective and counterproductive.

#### Proposed alternative

We propose that Articles 13 and 17 of the EMFAF Regulation be amended to enable renovation of fleets without any increase in net fishing capacity, applying strict technical criteria. We consider that this alternative would be more much balanced and would better favour the sustainability and future of the sector.

#### **Replacement or modernisation of a main or ancillary engine (Article 18) and Increase of the gross tonnage of a fishing vessel to improve safety, working conditions or energy efficiency (Article 19)**

#### Rationale

Although Article 18 and 19 of the EMFAF Regulation provides for exceptions that permit support to be granted for the replacement or modernisation of a main or auxiliary engine and improvements in safety, energy efficiency or working conditions, these are subject to the vessels being no longer than 24 metres in overall length. This limitation is an obstacle to the modernisation of larger fishing fleets.

#### Proposed alternative

We proposal the removal of the obstacle established in Article 18 and 19 of the EMFAF Regulation:

Article 18:

Paragraph 1, first subparagraph: amended to remove the reference to 24 metres, with the following proposed wording:

*“By way of derogation from Article 13, point (m)(e), of the EMFAF, support may be provided for the replacement or modernisation of a main or auxiliary engine of a fishing vessel.”*

Paragraph 2, point (d): amended to remove the reference to 24 metres, with the following proposed wording:

*“(d) For all other fishing vessels, the new or modernised engine shall have a power, in kW, not exceeding that of the existing engine and shall emit at least 20% less CO<sub>2</sub> than the existing engine.”*

Article 19: delete point (b).

#### 4. Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (Common Provisions Regulation)

##### **Eligibility (Article 63)**

###### Rationale

Article 63(6) of the Common Provisions Regulation provides that: *“Operations shall not be selected for support by the Funds where they have been physically completed or fully implemented before the application for funding under the programme is submitted, irrespective of whether all related payments have been made. This paragraph shall not apply to the EMFAF compensation for additional costs in outermost regions pursuant to Article 24 of the EMFAF Regulation and to support from the additional funding for the outermost regions pursuant to point (e) of Article 110(1) of this Regulation.”*

In the case of compensation for additional costs, the actions funded are usually completed before the call for applications for support is launched.

###### Proposed alternative

The exception should be extended to compensation for additional costs in general, and not be limited exclusively to compensation for additional costs in outermost regions.

##### **Flexibility in the “decommitment” of funding or the “n+3” rule (Articles 105, 106 and 107)**

###### Rationale

Articles 105, 106 and 107 of the Common Provisions Regulation govern the **“n+3” rule**, which is a financial management principle applied to the Structural Funds of the European Union, establishing a deadline for the implementation of allocated expenditure. According to this rule, the funds allocated to a programme must be spent

by the end of the third year after their allocation. If not spent by that deadline, unused funds must be returned to the European Commission.

Although the “n+3” rule is intended to guarantee timely and efficient use of European resources, in practice it severely distorts planning and implementation of public policy, favours short-termism and is detrimental to innovation, quality and territorial equity.

### Proposed alternative

A revision is needed to make the decommitment of funding more flexible and better suited to the actual circumstances of strategic sectors, with possible automatic exceptions built in for exceptional situations and differentiated margins depending on the nature of each project.

We propose creating a flexibility mechanism that will enable application of the rule to be deferred in exceptional situations, such as the Covid pandemic.

**5. Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control**

**The definitions of “catching vessel” and “fishing vessel” and the difficulties in applying them (Article 1, “Amendments to Regulation (EC) No 1224/2009”)**

Rationale

Article 1(1), points (m) and (n), of Regulation (EU) 2023/2842 create new definitions of “fishing vessel” and “catching vessel”, resulting in an obligation to apply controls to a sector that was not previously subject to such fishing controls. This represents a problem for the sector and for the authorities, owing to the number of requirements that must be met within excessively short time limits.

The definitions are as follows:

- The new definition of the concept of “fishing vessel” (“*a catching vessel or any other vessel used for commercial exploitation of marine biological resources, including support vessels, fish processing vessels, vessels engaged in transshipment, towing vessels, auxiliary vessels and carrier vessels used for the transportation of fishery products, but excluding container vessels and vessels used exclusively for aquaculture*”) encompasses merchant vessels transporting fish, which results in an excessive logistical burden in terms of control by the authorities. This represents an additional barrier for the sector, which is required to follow the new control rules.
- A definition of “catching vessel” is also added: “*a vessel equipped or used for the capture of marine biological resources for commercial purposes*”.

In total, in January 2026 around 450 vessels will be required to have a blue box installed and report their activity electronically. In 2028, almost the entire fleet will be required to keep an electronic log of catches and their geolocation data, entailing the upscaling of systems and information technology upgrades.

Given the scope of the above definitions, it is our view that this is not viable, either at the sector level or at the level of the authorities.

### Proposed alternative

We propose that it be specifically indicated which vessels do not fall within the definition of a “fishing vessel”, namely: support vessels, fish processing vessels, vessels engaged in transshipment, towing vessels, auxiliary vessels, and carrier vessels used for the transportation of fishery products. We also propose that it be indicated that such vessels will not be required to have a blue box installed or keep an electronic fishing logbook.

### **Detailed rules on weighing (Article 60a)**

#### Rationale

A new article, numbered 60a, has been inserted in Regulation (EC) No 1224/2009 by Regulation (EU) 2023/2842, indicating that the Commission may, “*by means of implementing acts, adopt rules on ... (f) the deduction of ice and water*”. Because they do not take into account the nature of the different types of fisheries, the new requirements may lead to substantial financial losses by reducing the value of fishery products.

#### Proposed alternative

Given the nature of some fisheries and the existing sampling plans, we consider that the new implementing regulation on weighing should establish differences according to the characteristics of certain fisheries.

We are also preparing a proposal to except from this weighing requirement those fishes that may be damaged by the process of removing water or ice.

### **Margin of tolerance (Article 14)**

#### Rationale

Article 14(3) of Regulation (EC) No 1224/2009 has been amended, as regards the margin of tolerance. The general permitted margin of tolerance remains at 10% for logged species, when more than 100 kg are retained on board. Under 100 kg, the permitted margin of tolerance increases to 20%, but this is still insufficient, as the

increase is accompanied by an obligation to report all catch amounts retained on board.

In the case of very small quantities, there is a very high risk that the permitted 20% margin of tolerance will not be met. For example, if 5 kg of a species is logged and the final weight landed is 10 kg, the difference is 100%, greatly exceeding the permitted margin of tolerance. This may lead to a sanction entailing attribution of points if a species is subject to a quota. This problem primarily affects small-scale fisheries.

In the case of tropical tuna fisheries using purse seine, the regulation includes specific provisions that are favourable if the catch is landed unsorted in ports authorised by the European Commission. However, the conditions that must be met to establish the list of ports makes designation overly complicated.

### Proposed alternative

Consideration could be given to providing for exceptions for species that are not subject to quotas. This has already been proposed by Lithuania and we are of similar opinion.

As regards the tropical tuna fleet, if it is ultimately decided that it would be appropriate for the fleet to have access to ports where it could benefit from such an exception, it would be necessary to amend the provisions of Commission Implementing Regulation (EU) 2024/1474 concerning the conditions for listing of ports.

## **Prior notification of arrival at port (Article 17)**

### Rationale

In amended Council Regulation (EC) No 1224/2009, Article 17(1) stipulates that *“Without prejudice to specific provisions contained in multiannual plans, masters of Union fishing vessels of 12 metres in length overall or more shall submit by electronic means to the competent authorities of their flag Member State at least four hours before the estimated time of arrival at a port...”*.

Furthermore, Article 17(1)a indicates that *“The coastal Member State where the landing takes place may set a shorter period for the prior notification ... That coastal Member State shall make such shorter period for prior notification publicly available and shall communicate it without delay to the Commission”* and Article 17(1)b states that *“Where catches are taken between the time of the prior notification and arrival at*

*port, those additional catches shall be notified in another prior notification”.*

Under these provisions:

- ALL vessels with an overall length of 12 m or more are required to give prior notification of arrival at port.
- Some flexibility is offered to Member States to reduce that time, but this must be made public, and the Commission must be informed.
- It will no longer be sufficient to change the prior notification when adding catches—instead, a new prior notification must be issued, requiring them to wait for the established time.

It is our view that, in requiring all vessels to give prior notification, consideration has not been given to the ways some fishing grounds work, which do not allow notifications to be sent within the time limits.

#### Proposed alternative

Given that the regulation allows the established period to be reduced, we consider it important to regulate this at the national level. Therefore, under Article 17(1)a, Spain must notify the Commission that it needs to reduce the period for sending the prior notification from 4 hours to 2.5 hours, because of the distance to the fishing grounds. This period may be even shorter for certain areas.

#### **Completion and submission of the landing declaration, as regards low value fish (Article 23)**

##### Rationale

Article 23 of Council Regulation (EC) No 1224/2009 establishes a requirement to classify low value fish, generally known as “whitebait” in English and in Spanish as “*morralla*”. However, this classification requirement does not make sense, as **what is sold is a mix of small species**.

In fact, “whitebait” is of commercial value precisely because the species are unclassified and sold as such.

##### Proposed alternative

The Balearic Oceanographic Centre of the Spanish Institute of Oceanography (IEO)

has prepared a study that enables percentages of species to be established according to fishing grounds, without precise classification of catches, which, given the type of fish, would be impossible. Further work on the study is needed, adding the other fishing grounds in the Mediterranean from which “whitebait” is sold.

We propose that the article be amended, allowing the sale of such products based on a percentage classification, as set out in the Institute of Oceanography study. Regardless, we consider that consideration should be given to the characteristics of some fisheries and to the fact that the commercial value lies in the fish being sold in bulk—and that there is no value in selling species separately—meaning that it makes no sense to classify species in such cases.

**6. Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008**

**Procedure for ensuring availability of detailed and aggregated data (Article 17)**

Rationale

The deadline stipulated in Article 17(3) must be changed, establishing a time limit agreed with Member States in the case of periodic requests for data, when such a request includes changes with respect to the prior one.

Our reasoning is that States such as Spain—which has the largest fleet, operating in almost all fishing grounds—handle enormous volumes of data and receive numerous requests, which it is very difficult to answer, owing to the tight deadlines.

Proposed alternative

*“3. In the case of requests made by end-users of scientific data in order to serve as a basis for advice to fisheries management, Member States shall ensure that relevant detailed and aggregated data are updated and made available to the relevant end-users of scientific data within the deadlines set in the request, which shall not be shorter than 2 months from the date of receipt of a request for those data.*

*In the case of periodic requests for data, if any changes exist with respect to prior requests, the deadline set in the request shall be proportional to the extent of those changes and the possible need for additional processing of the requested data. The time required to meet the data request shall be agreed in advance with the Member States.”*

## 7. Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (“SMEFF” Regulation)

### **Procedure for obtaining fishing authorisations of the third country (Articles 18 and 25)**

#### Rationale

The deadlines stipulated in the “SMEFF” Regulation for scientific information to support private authorisations in the exclusive economic zones (EEZ) of third countries and high-sea fishing grounds not covered by RFOs are excessively short, or are not specified, resulting in legal uncertainty and red tape.

#### Proposed alternative

For Article 18(5) we propose that the period for granting fishing authorisation renewals be increased from 2 years to 3 years, with the same terms and conditions as the initial fishing authorisation: *“in the event of renewal of a fishing authorisation with the same terms and conditions and within 2-years 3 years from the granting of the initial fishing authorisation...”,* thus enabling the scientific evaluations to apply for three years.

Article 25 of the “SMEFF” Regulation, which relates to high-sea authorisations, should include at least the same provisions as for direct authorisations, as no period is specified in the prevailing text, resulting in legal uncertainty.

We propose that a new paragraph, numbered 5, be included: “Without prejudice to the provisions of paragraphs 1 to 4, in the event of renewal of a fishing authorisation with the same terms and conditions and within 3 years from the granting of the initial fishing authorisation, the flag Member State may issue the new fishing authorisation upon verification of the information received in relation to the conditions set out in point (a) of Article 24 and shall inform the Commission thereof without delay”. This would enable scientific evaluations to apply for 3 years, as proposed for Article 18(5).

**8. Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November 2017 laying down management, conservation and control measures applicable in the Convention area of the International Commission for the Conservation of Atlantic Tunas (ICCAT), and amending Council Regulations (EC) No 1936/2001, (EC) No 1984/2003 and (EC) No 520/2007**

The revision of this regulation should focus on permitting exceptions to the landing requirements of Article 28:

**Landing of certain species beyond the fishing opportunities (Article 28)**

Rationale

The obligation arising from Article 28 for any Member State that has exhausted its quota not to sell landings of blue marlin, white marlin and round-scale spearfish that are dead when brought alongside the vessel, poses severe practical problems for the fleet.

ICCAT Recommendation 19-05 states that once the catch limit has been reached, such fish has to be discarded provided that the law of the contracting party does not stipulate otherwise. The EU Regulation 2017/2107 determines in art. 28 that when a vessel has reached its limit, it has to take on board, retain, land, and not sell such species.

This is particularly relevant to operations in third countries in Africa (primarily Cabo Verde and Namibia), owing to the difficulty of leaving frozen specimens weighing around 100 kg in the ports of such countries, and not being able to sell them.

In the case of landing in European ports (Portugal and Spain), this obligation results in substantial fuel expenditure because of the extra weight and space occupied in the hold, which reduces the earnings of the vessel.

Therefore, an exception is required to the obligation to land such species, and this seems well founded, as such exceptions exist for other tunas (Atlantic bluefin tuna, bigeye tuna, etc).

It would also be advisable to remove the obligation and allow such specimens to be discarded, as the prevailing legislation is something of an anomaly that is not mirrored

by any other EU legislation. The ban on selling landed species, which does not count against the catch limit of Spain does not exist elsewhere.

For all of the above reasons, we propose that EU law allow blue marlin, white marlin and round-scale spearfish that are dead when brought alongside the vessel to be discarded, if the catch limit has been exhausted, to prevent all the problems that the existing complicated legislation poses in terms of landing but not selling, without any deductions from catch limits—a situation that does not exist for any other fisheries.

### Proposed alternative

We propose that Article 28 of the regulation be reworded as follows:

- *Without prejudice to Article 15(1) of Regulation (EU) No 1380/2013, fishing vessels shall not take on board, keep on board, tranship, transport, transfer, process or land specimens of blue marlins, white marlins or round-scale spearfish that are dead when brought alongside the vessel, once they have exhausted the catch limit.*

## 9. Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

### Revision of the multiannual plan for the western Mediterranean Sea (Articles 2, 3 and 4)

#### Rationale

The multiannual plan for the western Mediterranean Sea took effect 5 years ago, and its contents must now be revised with a view to ensuring the fishery's environmental, economic, and social sustainability. It would therefore be advisable to amend different articles of the regulation, for the following reasons:

- Article 2: in the case of a mixed fishery such as the Mediterranean, the definition of “**most vulnerable stock**” makes little sense, and it is illogical for the key management measures of the multiannual plan to be based on the situation of a single species, which also represents a minority in terms of the structure of catches. Other measures such as increasing selectivity could improve its situation in the medium to long term, without having such a severe impact on the profitability and survival of the fleet.
- Article 3: it is vital that the purposes of the regulation consider the socio-economic impact of the measures.
- Article 4: it is imperative that consideration be given to the socio-economic impact of the measures, and that the maximum level of fishing effort for the trawling fleet be determined by other variables in addition to “most vulnerable stock”, which in the case of the Mediterranean, is the European hake. Thought should be given to the possibility of employing the stabilisers indicated in Article 4(5), point (c) (“*in order to limit variations in maximum allowable fishing effort between consecutive years to not more than 20%*”), but without this depending on the definition of “most vulnerable stock”. Fisheries exploiting demersal stocks in the Mediterranean are inherently mixed, and this should be factored in.

#### Proposed alternatives

Our proposed alternatives for the aforementioned articles are as follows:

- Article 2: we propose that the definition in Article 2(3) of “most vulnerable stock” be removed.
- For Article 3(5), we propose the following wording: “*Measures under the plan shall be taken on the basis of the best available scientific advice, taking into account their socio-economic impact*”.
- For Article 4(3), the following wording is proposed: “*In accordance with Article 16(4) of Regulation (EU) No 1380/2013, when the Council fixes the fishing opportunity for a stock, it shall establish that opportunity within the lowest range of  $F_{MSY}$  available at that time for that stock.*

*In accordance with Article 9(5) of Regulation (EU) No 1380/2013, management of mixed fisheries with respect to the stocks listed in Article 1(2) of this Regulation shall take into account the difficulty of fishing at the same time for all of the stocks at the MSY, and particularly those cases in which this leads to early fishery closure or a reduction in maximum allowable fishing effort to such an extent that the activity becomes socio-economically unviable for the fleet.*

## 10. Annual regulations fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (presently Council Regulation (EU) 2025/219 of 30 January 2025)

### **Revision of double measures applied to red shrimp**

#### Rationale

In recent years, the annual regulations fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (presently Council Regulation (EU) 2025/219 of 30 January 2025) have established double measures for red shrimp in terms of fishing opportunities: deep-water fishing effort and maximum catch limits.

#### Proposed alternative

Given the positive trend in red shrimp stocks, consideration should be given to removing catch limits, at least in the geographical subareas (GSAs) where the stock has been found to be in a good state.



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