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**COMMISSION STAFF WORKING DOCUMENT**

**EXECUTIVE SUMMARY OF THE EVALUATION**

**of the Entry/Exit scheme in accordance with Article 23(3) of Regulation (EU) 1380/2013  
of the European Parliament and of the Council on the Common Fisheries Policy**

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### EXECUTIVE SUMMARY OF THE EVALUATION

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#### EXECUTIVE SUMMARY

This staff working document looks at the implementation of the Entry/Exit scheme set up under the Common Fisheries Policy (CFP) as a means to align the capacity of the Union fishing fleet with available resources<sup>1</sup>. This evaluation is required under Article 23, paragraph 3 of Regulation 1380/2013<sup>2</sup> (hereafter: CFP Regulation).

The Entry-Exit scheme sets four safeguards for the national management of the capacity of the fishing fleet by the Member States:

- a) Member States may not increase their fleets above capacity ceilings specified in legislation (currently Annex II of the CFP Regulation);
- b) The capacity of any vessel entering the fishery must be balanced by the prior withdrawal of a vessel or vessels with the equivalent capacity;
- c) Where Member States used public aid to reduce their fishing fleets, capacity so withdrawn must not be replaced. EU funding for decommissioning ceased on 31 December 2017;
- d) The yearly national fleet reports need to include an action plan for the fleet segments with identified structural overcapacity. The action plan describes the adjustment targets and tools to achieve a balance and a clear time-frame for its implementation.

A vessel's catching ability is determined by many factors, such as the volume of the vessel, its engine power, the use of technologies and the skill of the fishing master and crew. Taking into account all relevant factors for determining the capacity of fishing vessels would be unfeasible for regulatory purposes. Hence, it was agreed to use as proxies for the maximum fishing capacity that a vessel could develop: measures of vessel size and vessel power<sup>3</sup>. However, it is known that continuous technological improvements to fishing vessels mean that the real capacity of vessels to catch fish increases at some 3% per year ('technological creep').

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1 "The CFP shall, in particular, provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities consistent with paragraph 2, with a view of to having economically viable fleets without overexploiting marine biological resources".

2 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. OJ L 354, 28.12.2013, p. 22–61

3 Expressed in Gross Tonnage (GT) and kilowatt (kW) respectively and defined in Regulation (EU) 2017/1130 of the European Parliament and of the Council of 14 June 2017 defining characteristics for fishing vessels. OJ L 169, 30.6.2017, p. 1–7

### *The situation of the EU fishing fleet*

On 1st January 2018, the Union fishing fleet included 78 379 vessels of which 85% measure less than 12m Length Overall. In terms of capacity, the total tonnage was 1 486 109 GT of which only 11% were contained in the fleet of vessels of less than 12m length class and of 5 752 075 kW with 38% comprised in the fleet of vessels of less than 12m.

### *National rules for the implementation of the Entry/Exit scheme*

Member States determine themselves the implementing modalities of the Entry/Exit scheme, but all of them have transposed into their national framework the general principle that operators wishing to enter new capacities without public aid must submit evidence of prior withdrawal of equivalent fishing capacity without public aid.

There are two approaches concerning transfer of capacity between operators:

- i) capacity entitlements remain owned by operators after withdrawal of the vessels (with possibility to trade withdrawn capacity entirely or in tranches with other operators)
- ii) capacity withdrawn cannot be transferred by the owner to other operators after withdrawal of the vessels without public aid.

In most cases, Member States have set maximum time limits during which fishing capacity withdrawn owned by operators should be used to enter new capacity, before this capacity is returned to the State in a national reserve. There are two different policies in relation to this national reserve. In some Member States, the capacity available in the national reserve may be redistributed to operators. In other Member States, the fishing capacity available in national reserve is permanently removed.

The allocation of fishing capacity through licencing is generally decoupled from the fishing opportunities allocation (except in Estonia and France).

### *State of play of the implementation of the Entry-Exit scheme*

All Member States currently comply with the capacity ceilings set out in the Annex II of the CFP Regulation. In total, the difference between Member States fleet capacity and capacity ceilings is equivalent to 380 823 GT and 923 972 kW, representing 25.6% of the total EU mainland fleet capacity in GT and 16.1% in kW on 1<sup>st</sup> January 2018. The difference between current fishing fleet capacity and capacity ceilings represents some latent fishing capacity (i.e. a fishing capacity that could be reactivated through entries into the fleet in compliance with the Entry/Exit scheme depending on Member States rules). However, account should be taken of the fact that the actual capacity limitation in each country went down in comparison to the ceiling set in the CFP Regulation due to scrapping of vessels with public aid. In that latter case, the scrapped vessels could not be replaced which led *de facto* to a lowering of the latent fishing capacity.

### *Main findings of the evaluation*

### *Relevance*

The Entry/Exit scheme has been relevant to complement the in-depth reforms of fishing fleet capacity management. However, the still significant number of unbalanced fleet segments in EU waters shows that overall Member States have not yet fully reached their long-term objective of achieving a stable and enduring balance between their fishing fleet capacity and fishing opportunities available to them. The need remains for an instrument to ensure that EU fishing fleet capacity cannot increase. The extent to which the EES is directly relevant is different according to sea-basins. In the North East Atlantic, the EES may appear as more indirectly relevant as fishing capacity is primarily regulated by EU and Member States' output control measures. In the Mediterranean, the Black Sea and in outermost regions, the Entry/Exit scheme remains directly relevant to ensure that fishing fleet capacity cannot increase over time, until EU and national conservation and management measures are effective enough to manage the use of fishing capacity. In the case of the external fleet, the relevance of the Entry/Exit scheme depends on the diverse regulations by the concerned Regional Fisheries Management Organisations and by the coastal States as appropriate. Moreover, the Entry/Exit scheme, which is primarily a tool to regulate fishing capacity of fleets operating on stocks managed by the EU, does not apply to third country fishing fleets exploiting the same stocks.

Finally, the lack of compliance with declared engine power, as found by a recent Commission study raises questions as regards the overall compliance of the Member States with the fishing capacity ceilings established by the CFP Regulation and underlines the continuing relevance of the Entry/Exit scheme.

### *Effectiveness*

The EES has been effective in ensuring compliance with the capacity ceilings set by the respective CFP Regulations for mainland and outermost regions fishing fleets. The gap between actual EU fishing fleet capacity and capacity ceilings is significant and increased since the end of 2013. The EES is also effective in contributing to achieving a balance between fishing fleet capacity and fishing opportunities, although this effectiveness depends on the impact of other fisheries measures in place.

### *Efficiency*

Administrative costs are the result of Member States' rules and procedures for implementation of the scheme with no EU rule identified as creating unacceptable administrative burden. There are no significant areas for simplification of the EES at EU level.

### *Coherence*

There is no contradiction, duplication or overlapping between the EES and national implementation measures of the scheme. The EES is also coherent with other instruments of the Common Fisheries Policy. National implementation rules may result in some incoherence with rules regarding safety and working conditions.

### *EU added-value*

The EU added-value may be assessed as positive since the EES is an effective safeguard mechanism to cap and reduce nominal fishing fleet capacity levels deployed on EU stocks in particular where applicable EU and national conservation and management measures are not effective enough to limit the use of available fishing capacity through a series of input and output measures.

*Overall conclusion*

Provided that Member States ensure an accurate measurement, verification and reporting of the capacity indicators GT and kW, the EES is fit for purpose as an instrument to prevent nominal fishing capacity from increasing. This is in particular the case in situations where conservation and management measures are not effective enough to regulate the use of fishing capacity.