

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

PART I

GENERAL PROVISIONS

Article 1

Scope

- 1 The Common Fisheries Policy (CFP) shall cover:
 - a the conservation of marine biological resources and the management of fisheries and fleets exploiting such resources;
 - b in relation to measures on markets and financial measures in support of the implementation of the CFP: fresh water biological resources, aquaculture, and the processing and marketing of fisheries and aquaculture products.
- 2 The CFP shall cover the activities referred to in paragraph 1 where they are carried out:
 - a on the territory of Member States to which the Treaty applies;
 - b in Union waters, including by fishing vessels flying the flag of, and registered in, third countries;
 - c by Union fishing vessels outside Union waters; or
 - d by nationals of Member States, without prejudice to the primary responsibility of the flag State.

Article 2

Objectives

1 The CFP shall ensure that fishing and aquaculture activities are environmentally sustainable in the long-term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.

2 The CFP shall apply the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.

In order to reach the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.

3 The CFP shall implement the ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised,

and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment.

4 The CFP shall contribute to the collection of scientific data.

5 The CFP shall, in particular:

- a gradually eliminate discards, on a case-by-case basis, taking into account the best available scientific advice, by avoiding and reducing, as far as possible, unwanted catches, and by gradually ensuring that catches are landed;
- b where necessary, make the best use of unwanted catches, without creating a market for such of those catches that are below the minimum conservation reference size;
- c provide conditions for economically viable and competitive fishing capture and processing industry and land-based fishing related activity;
- d provide for measures to adjust the fishing capacity of the fleets to levels of fishing opportunities consistent with paragraph 2, with a view to having economically viable fleets without overexploiting marine biological resources;
- e promote the development of sustainable Union aquaculture activities to contribute to food supplies and security and employment;
- f contribute to a fair standard of living for those who depend on fishing activities, bearing in mind coastal fisheries and socio-economic aspects;
- g contribute to an efficient and transparent internal market for fisheries and aquaculture products and contribute to ensuring a level-playing field for fisheries and aquaculture products marketed in the Union;
- h take into account the interests of both consumers and producers;
- i promote coastal fishing activities, taking into account socio-economic aspects;
- j be coherent with the Union environmental legislation, in particular with the objective of achieving a good environmental status by 2020 as set out in Article 1(1) of Directive 2008/56/EC, as well as with other Union policies.

Article 3

Principles of good governance

The CFP shall be guided by the following principles of good governance:

- (a) the clear definition of responsibilities at the Union, regional, national and local levels;
- (b) the taking into account of regional specificities, through a regionalised approach;
- (c) the establishment of measures in accordance with the best available scientific advice;
- (d) a long-term perspective;
- (e) administrative cost efficiency;
- (f) appropriate involvement of stakeholders, in particular Advisory Councils, at all stages - from conception to implementation of the measures;
- (g) the primary responsibility of the flag State;
- (h) consistency with other Union policies;
- (i) the use of impact assessments as appropriate;
- (j) coherence between the internal and external dimension of the CFP;

- (k) transparency of data handling in accordance with existing legal requirements, with due respect for private life, the protection of personal data and confidentiality rules; availability of data to the appropriate scientific bodies, other bodies with a scientific or management interest, and other defined end-users.

Article 4

Definitions

- 1 For the purpose of this Regulation the following definitions shall apply:
- (1) 'Union waters' means the waters under the sovereignty or jurisdiction of the Member States, with the exception of the waters adjacent to the territories listed in Annex II to the Treaty;
 - (2) 'marine biological resources' means available and accessible living marine aquatic species, including anadromous and catadromous species during their marine life;
 - (3) 'fresh water biological resources' means available and accessible living fresh water aquatic species;
 - (4) 'fishing vessel' means any vessel equipped for commercial exploitation of marine biological resources or a blue fin tuna trap;
 - (5) 'Union fishing vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
 - (6) 'entry to the fishing fleet' means registration of a fishing vessel in the fishing vessel register of a Member State;
 - (7) 'maximum sustainable yield' means the highest theoretical equilibrium yield that can be continuously taken on average from a stock under existing average environmental conditions without significantly affecting the reproduction process;
 - (8) 'precautionary approach to fisheries management', as referred to in Article 6 of the UN Fish Stocks Agreement, means an approach according to which the absence of adequate scientific information should not justify postponing or failing to take management measures to conserve target species, associated or dependent species and non-target species and their environment;
 - (9) 'ecosystem-based approach to fisheries management' means an integrated approach to managing fisheries within ecologically meaningful boundaries which seeks to manage the use of natural resources, taking account of fishing and other human activities, while preserving both the biological wealth and the biological processes necessary to safeguard the composition, structure and functioning of the habitats of the ecosystem affected, by taking into account the knowledge and uncertainties regarding biotic, abiotic and human components of ecosystems;
 - (10) 'discards' means catches that are returned to the sea;
 - (11) 'low impact fishing' means utilising selective fishing techniques which have a low detrimental impact on marine ecosystems or which may result in low fuel emissions, or both;

- (12) 'selective fishing' means fishing with fishing methods or fishing gears that target and capture organisms by size or species during the fishing operation, allowing non-target specimens to be avoided or released unharmed;
- (13) 'fishing mortality rate' means the rate at which biomass or individuals are removed from a stock by means of fishery activities over a given period;
- (14) 'stock' means a marine biological resource that occurs in a given management area;
- (15) 'catch limit' means, as appropriate, either a quantitative limit on catches of a fish stock or group of fish stocks over a given period where such fish stocks or group of fish stocks are subject to an obligation to land, or a quantitative limit on landings of a fish stock or group of fish stocks over a given period for which the obligation to land does not apply;
- (16) 'conservation reference point' means values of fish stock population parameters (such as biomass or fishing mortality rate) used in fisheries management, for example in respect of an acceptable level of biological risk or a desired level of yield;
- (17) 'minimum conservation reference size' means the size of a living marine aquatic species taking into account maturity, as established by Union law, below which restrictions or incentives apply that aim to avoid capture through fishing activity; such size replaces, where relevant, the minimum landing size;
- (18) 'stock within safe biological limits' means a stock with a high probability that its estimated spawning biomass at the end of the previous year is higher than the limit biomass reference point (Blim) and its estimated fishing mortality rate for the previous year is less than the limit fishing mortality rate reference point (Flim);
- (19) 'safeguard' means a precautionary measure designed to avoid something undesirable occurring;
- (20) 'technical measure' means a measure that regulates the composition of catches by species and size and the impacts on components of the ecosystems resulting from fishing activities by establishing conditions for the use and structure of fishing gear and restrictions on access to fishing areas;
- (21) 'fishing effort' means 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;
- (22) 'Member State having a direct management interest' means a Member State which has an interest consisting of either fishing opportunities or a fishery taking place in the exclusive economic zone of the Member State concerned, or, in the Mediterranean Sea, a traditional fishery on the high seas;
- (23) 'transferable fishing concession' means a revocable user entitlement to a specific part of fishing opportunities allocated to a Member State or established in a management plan adopted by a Member State in accordance with Article 19 of Council Regulation (EC) No 1967/2006⁽¹⁾, which the holder may transfer;
- (24) 'fishing capacity' means a vessel's tonnage in GT (Gross Tonnage) and its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86⁽²⁾;
- (25) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment, where the organisms remain the property of a natural or legal person throughout the rearing and culture stage, up to and including harvesting;

- (26) 'fishing licence' means a licence as defined in point (9) of Article 4 of Council Regulation (EC) No 1224/2009⁽³⁾;
- (27) 'fishing authorisation' means an authorisation as defined in point (10) of Article 4 of Regulation (EC) No 1224/2009;
- (28) 'fishing activity' means searching for fish, shooting, setting, towing, hauling of a fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring, caging, fattening and landing of fish and fishery products;
- (29) 'fishery products' means aquatic organisms resulting from any fishing activity or products derived therefrom;
- (30) 'operator' means the natural or legal person who operates or holds any undertaking carrying out any of the activities related to any stage of production, processing, marketing, distribution and retail chains of fisheries and aquaculture products;
- (31) 'serious infringement' means an infringement that is defined as such in relevant Union law, including in Article 42(1) of Council Regulation (EC) No 1005/2008⁽⁴⁾ and in Article 90(1) of Regulation (EC) No 1224/2009;
- (32) 'end-user of scientific data' means a body with a research or management interest in the scientific analysis of data in the fisheries sector;
- (33) 'surplus of allowable catch' means that part of the allowable catch which a coastal State does not harvest, resulting in an overall exploitation rate for individual stocks that remains below levels at which stocks are capable of restoring themselves and maintaining populations of harvested species above desired levels based on the best available scientific advice;
- (34) 'aquaculture products' means aquatic organisms at any stage of their life cycle resulting from any aquaculture activity or products derived therefrom;
- (35) 'spawning stock biomass' means an estimate of the mass of the fish of a particular stock that reproduces at a defined time, including both males and females and fish that reproduce viviparously;
- (36) 'mixed fisheries' means fisheries in which more than one species is present and where different species are likely to be caught in the same fishing operation;
- (37) 'sustainable fisheries partnership agreement' means an international agreement concluded with a third state for the purpose of obtaining access to waters and resources in order to sustainably exploit a share of the surplus of marine biological resources, in exchange for financial compensation from the Union, which may include sectoral support.

2 For the purposes of this Regulation, the following geographical definitions of geographical areas shall apply:

- a 'North Sea' means ICES zones⁽⁵⁾ IIIa and IV;
- b 'Baltic Sea' means ICES zones IIIb, IIIc and IIId;
- c 'North Western waters' means ICES zones V (excluding Va and only Union waters of Vb), VI and VII;
- d 'South Western waters' means ICES zones VIII, IX and X (waters around Azores), and CECAF zones⁽⁶⁾ 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands);

Status: This is the original version (as it was originally adopted).

- e 'Mediterranean Sea' means Maritime Waters of the Mediterranean to the East of line 5°36' West;
- f 'Black Sea' means the GFCM (General Fisheries Commission for the Mediterranean) geographical sub-area as defined in Resolution GFCM/33/2009/2.

- (1) Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ([OJ L 409, 30.12.2006, p. 11](#)).
- (2) Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels ([OJ L 274, 25.9.1986, p. 1](#)).
- (3) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1](#)).
- (4) Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ([OJ L 286, 29.10.2008, p. 1](#)).
- (5) ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic ([OJ L 87, 31.3.2009, p. 70](#)).
- (6) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic ([OJ L 87, 31.3.2009, p. 1](#)).