

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 IV

### MANAGEMENT OF FISHING CAPACITY

#### *Article 21*

#### **Establishment of systems of transferable fishing concessions**

Member States may establish a system of transferable fishing concessions. Member States having such a system shall establish and maintain a register of transferable fishing concessions.

#### *Article 22*

#### **Adjustment and management of fishing capacity**

1 Member States shall put in place measures to adjust the fishing capacity of their fleet to their fishing opportunities over time, taking into account trends and based on best scientific advice, with the objective of achieving a stable and enduring balance between them.

2 In order to achieve the objective referred to in paragraph 1, Member States shall send to the Commission, by 31 May each year, 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.

The report shall contain the annual capacity assessment of the national fleet and of all fleet segments of the Member State. The report shall seek to identify structural overcapacity by segment and shall estimate the long-term profitability by segment. The reports shall be made publicly available.

3 With regard to the assessment referred to in the second subparagraph of paragraph 2, Member States shall base their analysis on the balance between the fishing capacity of their fleets and their fishing opportunities. Separate assessments shall be drawn up for fleets operating in the outermost regions and for vessels operating exclusively outside Union waters.

4 If the assessment clearly demonstrates that the fishing capacity is not effectively balanced with fishing opportunities, the Member State shall prepare and include in its report an action plan for the fleet segments with identified structural overcapacity. The action plan shall set out the adjustment targets and tools to achieve a balance and a clear time-frame for its implementation.

On a yearly basis, the Commission shall prepare a report for the European Parliament and for the Council on the balance between the fishing capacity of the Member States' fleets and their fishing opportunities, in accordance with the guidelines referred to in the first subparagraph of paragraph 2. The report shall include action plans referred to

in the first subparagraph of this paragraph. The first report shall be submitted by 31 March 2015.

Failure to make the report referred to in paragraph 2, and/or failure to implement the action plan referred to in the first subparagraph of this paragraph, may result in a proportionate suspension or interruption of relevant Union financial assistance to that Member State for fleet investment in the fleet segment or segments concerned 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.

5 No exit from the fleet supported by public aid shall be permitted unless preceded by the withdrawal of the fishing licence and the fishing authorisations.

6 The fishing capacity corresponding to the fishing vessels withdrawn with public aid shall not be replaced.

7 Member States shall ensure that from 1 January 2014 the fishing capacity of their fleets does not exceed at any time the fishing capacity ceilings set out in Annex II.

### *Article 23*

#### **Entry/Exit scheme**

1 Member States shall manage entries into their fleets and exits from their fleets in such a way that the entry into the fleet of new capacity without public aid is compensated for by the prior withdrawal of capacity without public aid of at least the same amount.

2 The Commission may adopt implementing acts laying down implementing rules for the application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).

3 No later than 30 December 2018, the Commission shall evaluate the Entry/Exit scheme in the light of the evolving relationship between fleet capacity and prospected fishing opportunities, and propose, where appropriate, an amendment to that scheme.

### *Article 24*

#### **Fishing fleet registers**

1 Member States shall record the information on ownership, on vessel and gear characteristics and on the activity of Union fishing vessels flying their flag that is necessary for the management of measures established under this Regulation.

2 Member States shall submit to the Commission the information referred to in paragraph 1.

3 The Commission shall maintain a Union fishing fleet register containing the information that it receives pursuant paragraph 2. It shall provide public access to the Union fishing fleet register, while ensuring that personal data is adequately protected.

4 The Commission shall adopt implementing acts, establishing technical operational requirements for the recording, format and transmission modalities of the information referred to in paragraphs 1, 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 47(2).