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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: COMMUNICATION FROM THE COMMISSION for enhanced transparency and good governance in the allocation of fishing opportunities by Member States: A vade mecum on the application of Articles 16 and 17 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy

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Delegations will find attached document C(2025) 7655 final.

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**COMMUNICATION FROM THE COMMISSION**

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## COMMUNICATION FROM THE COMMISSION

### **for enhanced transparency and good governance in the allocation of fishing opportunities by Member States: A vade mecum on the application of Articles 16 and 17 of Regulation (EU) No 1380/2013 on the Common Fisheries Policy**

#### 1. INTRODUCTION

Fishing opportunities provide a quantified legal entitlement to fish <sup>(1)</sup> and are essential to ensure sustainable management of a common natural resource that can be depleted if overexploited. When Member States allocate the fishing opportunities available to them, they must do so in line with their responsibility to manage and preserve a common shared natural resource in mind. At the same time, fisheries resources should be managed in a way that is consistent with the objectives of achieving economic, social and employment benefits. Moreover, as highlighted in the European Ocean Pact <sup>(2)</sup>, a healthy ocean and regenerative practices will contribute to sustaining livelihoods, notably in coastal communities, and providing food security, including for future generations.

Allocating national fishing opportunities in an objective and transparent manner ensures equal treatment of fishers, builds trust among stakeholders, and promotes sustainable resource use and the protection of the marine environment on which fish resources and ultimately fisheries depend on to thrive. Transparent allocation can also contribute to preventing conflicts between operators, fleets or segments. The allocation of fishing opportunities can further be used to address emerging challenges and to create incentives for fishing vessels to deploy selective fishing gears, thereby encouraging and rewarding more sustainable behaviour and solutions.

The 2023 Communication by the Commission on the functioning of the CFP Regulation <sup>(3)</sup> emphasised, in the context of improving the CFP governance, that good governance also relies on more transparency. It highlighted the requirement of Article 17 of Regulation (EU) 1380/2013 on the Common Fisheries Policy ('CFP Regulation') <sup>(4)</sup> for Member States, when allocating fishing opportunities, to use transparent and objective criteria,

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<sup>(1)</sup> As per definition in Article 4(32) of Council Regulation (EC) No 1224/2009, Control Regulation: '*fishing opportunity*' means a quantifies legal entitlement to fish, expressed in terms of catches and/or fishing effort. Legal entitlement to fish can also include technical and geographical limitations on how, when and where fishing operations can take place.

<sup>(2)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions The European Ocean Pact. COM(2025) 281 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025DC0281>. Section 4 Protecting and empowering coastal communities and islands.

<sup>(3)</sup> 'The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management' COM/2023/103 final (as part of the wider Fisheries and Oceans Package). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52023DC0103>

<sup>(4)</sup> 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](https://eur-lex.europa.eu/eli/reg/2013/1380/oj).

including those of an environmental, social and economic nature. The 2023 Communication also confirmed the Commission's commitment to work together with scientific bodies and with Member States to further assess and ensure the transparency of those criteria and their conformity with the CFP provisions. The intention was to encourage the use of criteria that can foster sustainable fishing practices and support small-scale and coastal fishers, which represent nearly 75% of all fishing vessels registered in the EU and nearly half of all employment in the fishing sector.

Following up on that commitment, with this Communication, the Commission encourages Member States to act to improve good governance with respect to the allocation of fishing opportunities, via four avenues: 1) strengthening transparency and information; 2) fairness; 3) ensuring accuracy of the information provided; and 4) suitability of the allocation methods.

This Communication also invites Member States to reflect on the systems and methods they currently use when allocating those fishing opportunities to foster sustainable fishing practices and support small-scale and coastal fishers.

The Annex to this Communication (named *vade mecum on the allocation of fishing opportunities by Member States*) sets out the findings of the Commission as regards the application of Articles 16 and 17 of the CFP Regulation, taking into account the engagement and the feedback received from Member States and stakeholders<sup>(5)</sup>. The Annex also provides guidance on the implementation of those Articles when Member States allocate fishing opportunities to vessels flying their flag.

## **2. CLEARER INFORMATION ON ALLOCATION METHODS: STRENGTHENING TRANSPARENCY**

Article 16(6) of the CFP Regulation requires Member States to inform the Commission of the methods they are using to allocate their fishing opportunities to vessels flying their flag. This reporting obligation is important for transparency reasons<sup>(6)</sup> and needed for the Commission and Member States to monitor trends and performance.

However, practice has shown that Member States have informed the Commission in a variety of ways, with differing frequencies and providing different details. This makes it difficult to have a clear image of what is happening with the allocation of fishing opportunities for certain stocks, fleets and regions. Therefore, the Annex of this Communication invites Member States to include certain minimum information when reporting to the Commission pursuant to Article 16(6).

Furthermore, greater transparency vis-à-vis stakeholders is key for good governance. Member States are therefore encouraged to provide information to stakeholders about the methods they use to allocate fishing opportunities, the criteria used as laid down in Article 17 of the CFP, the weight given to each criterion and the rationale for that weight.

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<sup>(5)</sup> More information on feedback can be found in the documents referenced in the Annex, mainly the Scientific, Technical and Economic Committee for Fisheries (STECF) reports 20-14, 22-14 and 23-17

<sup>(6)</sup> As stated in the 2023 Communication, the Common fisheries policy today and tomorrow (COM(2023) 103 final): 'Good governance also relies on more transparency'. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023DC0103>

Member States need to ensure that the methods and criteria used comply with the requirements of the CFP Regulation (mainly Article 17). The Commission therefore invites Member States to verify whether this compliance is properly reflected in the reported information: (i) Does the provided information demonstrate the transparency and objectivity of the criteria? (ii) Is the weighing of environmental, social and economic criteria clearly set out? (iii) Does that information cover all allocated fishing opportunities?

### **3. ALLOCATING FISHING OPPORTUNITIES TO FOSTER SUSTAINABLE FISHING PRACTICES AND TO SUPPORT SMALL-SCALE AND COASTAL FISHERS**

The design of the allocation system by Member States is important to align it with the objectives of the CFP ensuring the sustainability of fishing activities and maintaining sufficient flexibility to enable the EU fishing sector to adapt to emerging challenges.

The information gathered by the Commission and analysed by the Scientific, Technical and Economic Committee for Fisheries (STECF) shows significant disparities in the reported allocation methods and the use of criteria including those of an environmental, social and economic nature.

The Commission recognises that it is the Member States' responsibility to decide the allocation systems they use and that it is their prerogative to determine the respective weightings for the environmental, social and economic criteria they choose. Given the diversity of the sector and fisheries across the Member States, it is clear that a 'one size fits all' approach would not provide a suitable solution.

In particular, the Member States are not obliged to allocate fishing opportunities to the most sustainable fishing practices or to small-scale fishers.

However, the Commission is required to assess the alignment of those allocation methods with the objectives of the CFP.

In this sense, the Commission highlights the spirit of Article 17, reflected in Recital 33 of the CFP Regulation: *Member States should promote responsible fishing by providing incentives to those operators who fish in the least environmentally damaging way and who provide the greatest benefits for society.*

From the replies to the questionnaires and the stakeholders' consultations, the Commission has observed a degree of inertia in the way that fishing opportunities are allocated by Member States, including that some of the reported methods do not appear to address adequately emerging challenges faced by EU fisheries.

This is especially evident for small-scale coastal fishers which, in general, are more impacted by challenges <sup>(7)</sup>, such as the energy crisis, natural fluctuation of stocks (abundance and distribution), competition for the use of the marine space, climate change, degradation of marine environment, invasive species or unfair competition from illegal, unreported and unregulated (IUU) fishing.

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(7) Scientific, Technical and Economic Committee for Fisheries (STECF) - The 2024 Annual Economic Report on the EU Fishing Fleet (STECF 24-03 and 24-07), PRELLEZO, R., SABATELLA, E.C., VIRTANEN, J., TARDY MARTORELL, M. and GUILLEN, J. editor(s), Publications Office of the European Union, Luxembourg, 2024, doi:10.2760/5037826, JRC139642. Chapter 2.7 EU Small-Scale Coastal Fleet (SSCF). Pages 45 to 60. <https://publications.jrc.ec.europa.eu/repository/handle/JRC139642>

The Commission recognises the important role of small-scale coastal fisheries, which constitute almost 70% of the vessels fleet in the EU. It places special emphasis on their closer links with the social and economic fabric of fishing communities, their closer connection with the local environment, society and their important role in European culture and heritage. Recognition of this role is supported through: (i) preferential access to EU waters up to 12 nautical miles in the CFP Regulation; (ii) financial support of up to 100% under the European Maritime, Fisheries and Aquaculture Fund (EMFAF) <sup>(8)</sup>; and (iii) certain derogations under the Control Regulation <sup>(9)</sup>.

The allocation of fishing opportunities under Article 17 by Member States could better reflect the important role of small-scale coastal fisheries, for example by aligning allocation methods with the specific needs identified under the national EMFAF programme for the small-scale fishers to build resilience.

#### **4. WHAT MEMBER STATES COULD DO TO IMPROVE GOOD GOVERNANCE WHEN ALLOCATING FISHING OPPORTUNITIES**

##### **A. Building trust based on transparency and communication**

Allocation methods can be complex, and certain stakeholders have expressed the desire to understand better the methods used, and the criteria underlying them. Therefore, in addition to the legal requirements of informing the Commission on how they allocate fishing opportunities to the vessels flying their flag, Member States are invited to strengthen their information and communication tools, to **provide proactively information to stakeholders** on the methods used to allocate fishing opportunities (quotas and effort) and the rationale behind them.

The Commission emphasises that Article 17 could be a tool to respond to the emerging challenges faced by EU fisheries. These challenges could be overcome by promoting dialogue and involving all stakeholders more actively in the allocation of fishing opportunities by Member States.

##### **B. Building trust based on fairness**

The Commission encourages **Member States to take further actions to use the full potential of Article 17 to promote sustainable fishing practices and to support small-scale and coastal fishers.**

First, the Commission invites Member States to reflect on the examples of criteria included in Article 17 and the impact of allocating fishing opportunities to: (i) vessels with a larger environmental impact than others present in their fleets; (ii) vessels with a history of non-compliance; or (iii) vessels that displace traditional activities or established sustainable economic activities.

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<sup>(8)</sup> Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund.

<sup>(9)</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amended by the Regulation (EU) 2023/2842 of the European Parliament and of the Council

Second, the Commission encourages Member States to implement actions supporting small-scale fishers and to use all the possibilities given under Article 17 that could incentivise the long-term sustainability of these fisheries, especially for those with lower impact on the environment.

### **C. Building trust based on accuracy of the information provided**

The type, amount and level of detail of information provided by Member States varies widely <sup>(10)</sup>.

The Commission therefore invites Member States to inform the Commission, as per Article 16(6), and stakeholders, as a matter of transparency and good governance, about the allocation methods and criteria used **for all fishing opportunities**. This includes quotas and fishing effort in EU waters and the fishing opportunities attributed to Member States in international waters and via international agreements (such as regional fisheries management organisations, sustainable fisheries partnership agreements or other types of bilateral or multilateral agreements).

The Commission calls Member States to report the allocation method they use considering the three categories of criteria referred to in Article 17, i.e. **environmental, social and economic criteria**.

Transparency and communication to stakeholders, as key components of good governance, are also relevant for fishing opportunities subject to transferable fishing concessions (TFCs) despite their exclusion from the obligation to inform the Commission, as laid down in Article 16(6).

### **D. Building trust based on suitability of the allocation methods**

The Commission encourages Member States to use criteria for the allocation of fishing opportunities, as per Article 17 of the CFP Regulation, to incentivise adaptation to emerging challenges. The allocation **methods should not undermine the ability of Member States to react** quickly to unexpected issues.

The Commission invites Member States to develop allocation methods that include the possibility of reallocating unused fishing opportunities in a timely, transparent and active way.

The Commission also encourages Member States to conduct periodical reassessments of the allocation systems to ensure that the **methods and criteria used are still relevant and appropriate** to the current needs of their fisheries sector.

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<sup>(10)</sup> See, for example, Scientific Technical and Economic Committee for Fisheries (STECF) – Social Data in Fisheries (STECF 23-17), Van Hoof, L., Goti, L., Tardy Martorell, M. and Guillen, J. editor(s), Publications Office of the European Union, Luxembourg, 2024, doi:10.2760/982497, JRC136326. <https://publications.jrc.ec.europa.eu/repository/handle/JRC136326>.

## 5. CONCLUSION

The Commission has been working with Member States, the STECF and stakeholders to obtain a clearer picture of the methods used to allocate fishing opportunities <sup>(11)</sup>.

In light of this process, the Commission invites Member States to take further actions to use the full potential offered by Article 17 to promote sustainable fishing practices and to support small-scale and coastal fishers.

The Commission encourages Member States to reflect on the main problems from which their small-scale fishers are suffering and to use Article 17 to provide support and space for certain fishing vessels that merit access to fishing opportunities to sustain their contribution to sustainable fishing and fishing communities.

To increase confidence in policies, the Commission encourages Member States to improve the information provided to stakeholders on how fishing opportunities are allocated.

As next steps, the Commission invites Member States to reflect on the methods and criteria they use to allocate fishing opportunities, bearing in mind the need to promote sustainable fishing practices, support small-scale and coastal fishers, and improve communication and transparency. It stands ready to assist Member States in this regard.

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<sup>(11)</sup> Latest report published previously referred: Scientific Technical and Economic Committee for Fisheries (STECF) – Social Data in Fisheries (STECF 23-17)