



9.9.2024

NOTICE TO MEMBERS

Subject: Petition No 0091/2024 by José Domínguez Buiturón (Spanish), on behalf of the Da Costa da Morte Artisanal Fishing Association, on the review of the bottom trawling power of fishing vessels

1. Summary of petition

The petitioner asks the Commission to determine the legality of the 200% increase in fishing effort capacity in the Northwest Cantabrian Sea and in the Mediterranean pursuant to Royal Decree 502/2022 of June 27, which regulates the exercise of fishing in national fishing grounds, in the State of the Kingdom of Spain. He claims that this decision is in breach of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

2. Admissibility

Declared admissible on 26 April 2024. Information requested from Commission under Rule 227(5) (New Rule 233(5)).

3. Commission reply, received on 9 September 2024

The Commission's observations

The Petitioner claims that the Spanish government adopted in 2022 a royal decree allowing an increase of the engine power of bottom trawlers by 200% in the Northwest Cantabrian Sea and by almost twice in the Mediterranean Sea. According to him, these increases would be to the detriment of other fisheries and in contradiction with the objectives of the Common Fisheries

Policy Regulation (CFP Regulation)¹. The Petitioner asks the Commission to determine the legality of such increases in fishing capacity.

Article 22 of the CFP Regulation provides measures to adjust the fishing capacity of the Union fishing fleets. It sets capacity ceilings on engine power (kW) and gross tonnage (GT) for each Member State. On an annual basis, Member States assess the balance between the fishing capacity of their fleets and the fishing opportunities available to them. These assessments are then reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF). According to Article 23 of the CFP Regulation, new fishing vessels may enter the fleet only after the same fleet capacity (in kW and GT) is removed. Through this 'entry-exit' system, the EU's fleet capacity is kept stable. However, any decommissioning of vessels or reduction in fleet capacity achieved with public financial support is permanent and thus the capacity ceiling is decreased accordingly.

The Spanish fishing capacity ceiling was initially set in 2013 in Annex II of the CFP Regulation and corresponded to 964,826 kW and 423,550 GT. According to the EU fleet register², engine power and gross tonnage have decreased by 12.5% and 16% respectively between 2014 and 2024 in the mainland fleet. Furthermore, both engine power and gross tonnage have been on average 13.4% lower than its updated ceilings. The management of fishing capacity at national level appears to be in accordance with the rules set in the CFP.

Finally, the Commission launched a consultation to assess the effectiveness and efficiency of the CFP Regulation in June 2024. This consultation constitutes the first part of an evaluation that will examine how the CFP Regulation has achieved its objectives since 2013 and has implemented the various measures such as the management of fishing capacity.

Conclusion

In Spain, the management of fishing capacity at national level appears to be in accordance with the rules and ceilings set in the CFP. At a regional level, Spain is the authority responsible for the internal distribution of the fishing capacity. The Commission recently announced an evaluation to the CFP Regulation, in which the evaluation of the management of fishing capacity is foreseen.

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.

² Publicly available at: https://webgate.ec.europa.eu/fleet-europa/stat_ceilings_en.