

**This paper is addressed to:**

-  the **European Commission**,
-  the **European Parliament**,
-  the **governments of the Member States and Accession Countries**,
-  the **National Parliaments**,
-  and **anyone** interested in promoting an improved position for *Recreational Fisheries*, and recreational fisheries dependant industries in the new EU Constitution.

***Voices of Recreational Fisheries***

Amendments to four articles  
in the draft  
European Constitution

These amendments were produced by:

**The European Anglers Alliance (EAA), and  
The European Fishing Tackle Trade Association (EFTTA)**

These amendments have support from:

**Confédération Internationale De La Pêche Sportive (C.I.P.S.)**

**- *Towards an inclusion of Recreational Fisheries in the EU Constitution***

From October 2003, the EU Member States and Accession Countries will negotiate an EU Constitution to replace the existing Treaties of the European Union, European Community and Euratom. The European Convention was given a mandate to produce a comprehensive draft for this Constitution. However, we do not believe that the Convention's draft is sufficient to allow the European Union to develop the full potential of *Recreational Fisheries*.

EAA, the European Anglers Alliance represents 19 nations with more than five million affiliated anglers and acts to protect the interests of 25 million anglers throughout Europe.



**EAA**

EFTTA, the European Fishing Tackle Trade Association is an international, non-political, independent association to serve the European fishing tackle trade by campaigning to promote sportfishing, environmental issues and international business. Membership is open to manufacturers, wholesalers, agents, press and related organisations in the tackle industry. EFTTA currently has over 200 European members.



**EFTTA**

The C.I.P.S. is comprised of hundred and four National Federations, with fifty million affiliated members worldwide. C.I.P.S. consists of the four international federations for: Freshwater Angling (F.I.P.S./E.D.); Fly Fishing (F.I.P.S./MOUCHE); Sea Fishing (F.I.P.S./MER); Casting (F.I.S.L.). C.I.P.S. organizes The World Championships and European Championships.



**C.I.P.S.**

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## PART I.

### TITLE III: UNION COMPETENCES

#### Article 16: Areas of supporting, co-ordinating or complementary action

1. The Union may take supporting, coordinating or complementary action.
2. The areas for supporting, coordinating or complementary action shall be, at European level:
  - Industry
  - **Tourism**
  - protection and improvement of human health education, vocational training, youth, **recreational activities** and sport
  - culture
  - civil protection.
3. Legally binding acts adopted by the Union on the basis of the provisions specific to these areas in Part III may not entail harmonisation of Member States' laws or regulations.

#### EXPLANATION FOR THE AMENDMENTS

(Amendments are seen as  in the Convention text at the left)

**Tourism** is perhaps the largest employer in the EU and a major contributor to the European economy. In many rural areas tourism is the main economic activity and of the highest priority for future development. The EU is deeply involved in tourism politics (\*), and the European Commission runs a Tourism Unit under DG Enterprise. Although its legal basis seems inadequate, tourism deserves a stronger position in the EU Treaty, as proposed in this amendment.

\* See for an example COUNCIL RESOLUTION of 21 May 2002 *on the future of European tourism* (2002/C 135/01)

**Recreational activities** and sport activities should be regarded as two sides of the same coin, and in national statistics they are often mentioned next to each other. Both are major contributors to the economic value of tourism, albeit that they have a far greater socio-economic value in their own right. For example, the minimum estimate of the annual economic value of recreational angling in the EU is 25 billion Euro.

As the Convention proposes that sport be included in the EU Treaty (Art 16.2) for the first time, recreational activities should also be included.

**Own experience.** In 2002 the EAA and EFTTA filed a proposal for a pan-European survey of the socio-economic value of recreational angling (\*) under the 6th (research) Framework Programme. The estimated cost of the work was two million Euro. The proposal has not yet been accepted. The organisations surmise that this is influenced by the weak status given to recreational activities in the EU Treaty.

The full economic potential of recreational angling is handicapped because of this position, to the detriment of thousands of jobs in rural areas and the angling-dependant industries that support them, including:

The fishing tackle, boating and marine industries (manufacturers, wholesalers, agents and retailers); bait manufacturers and suppliers; service industries within the fields of electronics, engineering and insurance; marina and charter boat operators; fishing guides and coaches; all levels of accommodation, specialist holiday companies and resort operators; air, sea and land transportation; restaurants, food outlets and retailers; and other regional businesses that rely on sustainable tourism.

\* Title of our expression of interest: "RECFISH" - *Socio-Economic Survey of Recreational Fishing in Europe*

## PART I.

### TITLE VI: The Democratic Life of the Union

#### Article 46: The principle of participatory democracy

1. The Union Institutions shall, by appropriate means, Give citizens and representative associations the Opportunity to make known and publicly exchange their views in all areas of Union action.
2. The Union Institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

**The citizens and their organisations shall have a right of access to the European Court of Justice to challenge the decisions of the European Commission or other EU Bodies which concern them directly.**

4. No less than one million citizens coming from a significant number of Member States may invite the Commission to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. A European law shall determine the provisions for the specific procedures and conditions required for such a citizens' initiative.

#### EXPLANATION FOR THE AMENDMENT

*(Amendment is seen as bold+italic+underlined in the Convention text at the left)*

**Participatory Democracy** is an essential element of sustainable development.

**Access to justice** constitutes an essential element of participatory democracy. This has been defined, for instance, in the Aarhus Convention "on access to information, public participation and access to justice in environmental matters", a Convention the EU is about to ratify.

**The Constitution should** give citizens the right to challenge EU institutions at the European Court of Justice in cases where these Institutions violate EU law and policies.

**Own experience.** In 2002 the EAA filed an official complaint with the European Ombudsman regarding the EU Council's policy of repeatedly ignoring expert scientific advice when setting annual TACs and quotas. The Alliance was informed that the Ombudsman's sole concern was with mismanagement, not Community legislation. The EAA and the five million EU citizens it represents were left with no legal option to challenge the disastrous over-fishing caused by a failed CFP.

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## PART III. The Policies and Functioning of the Union

### CHAPTER III - POLICIES IN OTHER SPECIFIC AREAS

#### SECTION 4 - AGRICULTURE AND FISHERIES

##### Article III-121

The Union shall define and implement a common agriculture and fisheries policy.

"Agricultural products" means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products. References to the common agricultural policy or to agriculture, and the use of the term "agricultural", shall be understood as also referring to fisheries, insofar as they are compatible with the specific characteristics of this sector. "**The recreational fishing sector**" **is comprised of non-profit fishery and its dependant industries.**

#### EXPLANATION FOR THE AMENDMENT

(Amendment is seen as bold+italic+underlined in the Convention text above)

Recreational fishing is the only of the three big fish stock exploiters not mentioned in the Agriculture and Fisheries chapter of the EU Treaty. This probably arose because of recreational fishing's lack of organisation and the absence of a single voice at the European level. With the formation of the EAA, comprising 19 European member nations and representing more than five million citizens, recreational angling has that unified voice.

The reformation of the EU Common Fisheries Policy (CFP) in 2002 prescribed a change in the failed CFP towards sustainable fisheries and ecosystem-based management. Recreational fishing is a legitimate stakeholder in the CFP and it will participate in the new Regional Advisory Councils (RACs), but it is still ignored in the Treaty.

Of the three big fish stock exploiters, recreational fishing is at present far the best at fulfilling the reformed CFP's demand for sustainable fisheries. With very low catch mortality recreational fishing supports EU dependant industries worth at least 25 billion Euro, and it provides substantial economic activity and jobs, especially in rural areas.

Recreational fishing should of course have as prominent position in the EU Treaty as that enjoyed by commercial fishing and aquaculture.

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## PART III. The Policies and Functioning of the Union

### CHAPTER V - AREAS WHERE THE UNION MAY TAKE COORDINATING, COMPLEMENTARY OR SUPPORTING ACTION

#### SECTION 4 - EDUCATION, VOCATIONAL TRAINING, YOUTH, RECREATIONAL ACTIVITIES AND SPORT

##### Article III-182

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and complementing their action. It shall fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European recreational and sporting issues, given the social and educational function of recreational activities and sport.

2. Union action shall be aimed at:

- (a) developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States;
- (b) encouraging mobility of students and teachers, inter alia by encouraging the academic recognition of diplomas and periods of study;
- (c) promoting cooperation between educational establishments;
- (d) developing exchanges of information and experience on issues common to the education systems of the Member States;
- (e) encouraging the development of youth exchanges and of exchanges of socio-educational instructors and encouraging the participation of young people in democratic life in Europe.
- (f) encouraging the development of distance education;
- (g) developing the European dimension in sport, by promoting fairness in competitions and cooperation between sporting bodies and by protecting the physical and moral integrity of sportsmen and sportswomen, especially young sportsmen and sportswomen.

**(h) promoting and developing recreational activities**

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education, in particular the Council of Europe.

4. In order to contribute to the achievement of the objectives referred to in this Article,

(a) European laws or framework laws shall establish incentive actions, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

(b) the Council of Ministers, on a proposal from the Commission, shall adopt recommendations.

#### EXPLANATION FOR THE AMENDMENTS

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**See our explanation for the amendment to Article 16**

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