Revision of the Fisheries Control System

NWWAC Executive Committee
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Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL

- amending Council Regulation (EC) No 1224/2009 (Control Regulation), and amending
- Council Regulations (EC) No 768/2005 (EFCA founding Reg.),
- (EC) No 1967/2006 (MED Regulation),
- (EC) No 1005/2008 (IUU Regulation),
- and Regulation (EU) No 2016/1139 of the European Parliament and of the Council (Baltic MAP)

as regards fisheries control
DOCUMENTS (2016-17) ON EVALUATIONS

✓ Report from the COMMISSION to the European Parliament

✓ EUROPEAN COMMISSION Staff Working Document 'REFIT Evaluation of the impact of the fisheries regulation'

✓ REFIT Platform opinion EUROPEAN COMMISSION

✓ Special Report of the COURT OF AUDITORS 'EU fisheries controls: more efforts needed'

✓ EUROPEAN PARLIAMENT Resolution 'how to make fisheries controls in Europe uniform'

✓ EFCA Administrative Board recommendations regarding the Five-Year Independent External Evaluation of EFCA (2012-2016)
PROBLEM OF THE CURRENT CONTROL SYSTEM

• Lack of measures to control new provisions of the reformed CFP and lack of synergies with other policies
• Complexity of the legislative framework and ambiguity of legal provisions
• Inadequate provisions for fisheries data
• Enforcement rules not deterrent enough
The initiative aims at amending the Union fisheries control system:

- To make it more effective and efficient
- to ensure full compliance with the CFP and achievement of its objectives
SPECIFIC OBJECTIVES

- Bridge the gaps with the CFP and with other policies
- Simplify the current legislative framework and reduce administrative burden
- Improve availability, reliability and completeness of fisheries data and information, in particular of catch data
- Remove obstacles that hinder the development of a culture of compliance and the equitable treatment of operators within and across Member States
POLICY OPTIONS

BASELINE: NO POLICY CHANGE, FULL ENFORCEMENT OF CURRENT SYSTEM

OPTION 1: AMENDMENT OF THE FISHERIES CONTROL REGULATION

OPTION 2: AMENDMENT OF THE FISHERIES CONTROL SYSTEM
(option 1 + targeted amendments of IUU, EFCA, Med Regulation, Baltic MAP)
ASSESSMENT AND COMPARISON OF OPTIONS

ASSESSMENT:
- ENVIRONMENTAL IMPACTS
- ECONOMIC IMPACTS
- SOCIAL IMPACTS
- ADMINISTRATIVE BURDEN

COMPARISON:
- EFFECTIVENESS
- EFFICIENCY
- COHERENCE
- ACCEPTABILITY (stakeholders' view, proportionality)
- RECOMMENDATIONS OF OTHER EU INSTITUTIONS AND BODIES
PREFERRED OPTION

Bar chart showing the comparison of different options based on effectiveness, efficiency, coherence, recommendations acted on, and acceptability.

- Baseline
- Option 1
- Option 2

Options are compared on a scale from 0 to 20.
MAIN PROVISIONS OF THE PROPOSAL
1. Enforcement rules

2. Data: availability, quality and sharing
   - Reporting and tracking for vessels < 12 m
   - Control of recreational fisheries
   - Weighing, transport and sales

3. Bridge the gap with the CFP
   - Control of the landing obligation
   - Monitoring engine power
   - National Control Programmes

4. Increased synergies with other policies
   - Environment
   - Food Law
   - Market control (and traceability)

5. Alignment with the Lisbon Treaty

EFCA’s Founding Regulation

IUU and other Acts
1. ENFORCEMENT

INSPECTION AND SURVEILLANCE

• Clarification of the inspection process and duties (inspectors, masters, operators, observers)
• Digitisation of inspection reports
1. ENFORCEMENT

SANCTIONS

• All provisions in one Regulation (no long split between IUU and Control regulations)
• Updated list of serious infringements
• New list of criteria to qualify as serious certain other infringements of the CFP rules
• Introduction of mandatory administrative sanctions and minimum levels of fines for serious infringements
• Clarification of immediate enforcement measures, attribution of points, roles of States (flag, coastal)
• Exchange of data on infringements and sanctions
2. DATA AVAILABILITY, QUALITY AND SHARING

VESSELS BELOW 12m
• Mandatory tracking of vessel, electronic logbook and electronic reporting of catches (but no VMS/ERS)

VESSELS 12-15m
• Derogations from VMS and ERS are deleted

WEIGHING/TRANSPORT/SALES
• All fisheries products must be weight at landing, weighing performed by a registered operator
• Specific procedures for unsorted landings
• Clarification responsibilities and accountability of operators
2. DATA AVAILABILITY, QUALITY AND SHARING

RECREATIONAL FISHERIES

• Simple registration/licence system
• Catches to be reported for species subject to EU conservation measures

TRACEABILITY

• Built on traceability rules in EU Food Law
• Link between a lot of fishery products and landings
• Derogation for imported products is removed
• Digital system
2. DATA AVAILABILITY, QUALITY AND SHARING

DEROGATIONS 'SMALL QUANTITIES'

• All catches to be reported (50kg derogation logbook removed)
• Derogation for sales to non-registered buyers amended (5kg)
• Adaptation of the rules on the margin of tolerance

DATA AVAILABILITY AND EXCHANGE

• Digitisation completed
• Measures for the protection of personal data
3. BRIDGING THE GAPS WITH THE CFP

LANDING OBLIGATION

• Mandatory use of CCTVs applied to individual vessels and fleet segments according to risk assessment, implemented by MSs at regional level

FISHING CAPACITY

• Continuous monitoring and recording of engine power for certain vessels with active fishing gears
• Simplification provisions on the verification of engine power
• Introduction of physical verification of the tonnage
3. BRIDGING THE GAPS WITH THE CFP

NATIONAL CONTROL PROGRAMMES

- Amended to cover the rules of CFP not only MAP, also include control of recreational fisheries
- Annual reporting
- Annex I removed
4. SYNEGIES WITH OTHER POLICIES

FISHING GEARS

• Systematic reporting of lost gears (via the logbook)

FISHING IN RESTRICTED AREAS

• Definition amended to cover areas under the sovereignty or jurisdiction of a MSs as well as those outside EU waters
5. ALIGNMENT WITH THE LISBON TREATY

- Powers conferred to the COMM aligned with Art. 290 and 291 of the TFEU

- Provisions conferring decision-making powers upon Council alone are adapted in line with the procedures applicable to the CFP
EFCA FOUNDING REGULATION

• Objective and missions aligned to the CFP
• Geographical scope of Agency's inspection powers no longer limited to international waters
• Alignment to the Common Approach
• Update measures for protection of personal data
• Possibilities for revenues extended to allow delegation agreements and ad-hoc grants
**IUU**

- Digitisation of IUU catch certificate (CATCH)
- Provisions concerning Enforcement moved to the Control Regulation (cross references)

**Med Regulation**

Deletion of some provisions on leisure fisheries and transhipment

**Baltic MAP**

Deletion of provisions on logbooks and margin of tolerance
DATE OF APPLICATION

Amendments to Control regulation, IUU regulation, Med Regulation and Baltic MAP
=> 24 months after Entry into Force
Time needed to adopt Implementing and Delegated acts and develop ICT tools

Changes to EFCA Founding Regulation => Immediate entry into force
LINKS TO INFORMATION MATERIAL

STAKEHOLDER'S CONTRIBUTION, REFIT EXERCISE
https://ec.europa.eu/fisheries/cfp/control_en

EXTERNAL STUDY
https://publications.europa.eu/en/publication-detail/-/publication/e0f39f5c-63b6-11e8-ab9c-01aa75ed71a1/language-en