



NWWAC ADVICE

on “COMMISSION DELEGATED REGULATION (EU) .../...of 27.8.2025 supplementing Council Regulation (EC) No 1224/2009 by laying down rules on the control of fisheries and on the surveillance and inspection of fishing activities, enforcement and compliance” and on Boarding Ladder Safety and Material Standards provisions included in the Annex

16/10/2025

EXECUTIVE SUMMARY

The NWWAC welcomes the opportunity to provide advice on the Commission Delegated Regulation of 27 August 2025 supplementing Council Regulation (EC) No 1224/2009, as well as on the provisions related to boarding ladder safety and material standards. While recognising the importance of an effective and modernised control framework, the NWWAC has identified a number of substantive concerns regarding both the consultation process followed and the content of the Delegated Regulation.

Firstly, the consultation period provided was extremely limited. The four-week timeframe, coinciding with the summer recess, restricted the ability of Advisory Councils and stakeholders to engage in a meaningful way. Despite the efforts made to submit comments within this short window, it is regrettable that these contributions were not reflected in the final text. This suggests that the consultation risked being seen as primarily procedural, rather than offering substantial opportunity for input. The NWWAC stresses the importance of structured and transparent engagement, so that rules are not only ambitious but also practical and proportionate for the sector.

Several provisions in the Delegated Regulation give rise to serious concerns. The absence of a clear time limit for the removal of vessel monitoring devices for investigative purposes risks keeping vessels inactive for indefinite periods and creates legal uncertainty. More broadly, leaving data transmission requirements to the discretion of Member States risks fragmentation and incompatibility across the EU; harmonised standards are needed to ensure a level playing field. Operators must also be protected from penalties when delays are caused by circumstances beyond their control, such as adverse weather or technical failures, and competent authorities should be obliged to provide timely confirmation of system functionality.

The NWWAC is further concerned about provisions relating to inspections and control observers. Any requirements must take into account vessel capacity and ensure that the master retains ultimate authority for safety on board. The removal of the four-hour limit for inspections introduces uncertainty, and the NWWAC recommends that this limit be reinstated to ensure proportionality. The use of photos, video or audio during inspections must be strictly



time-limited, compliant with data protection law, and properly documented. Written debriefings should be systematically provided to ensure transparency. Inspection planning should also recognise the realities of processing and allow checks to take place at facilities near ports, while risk-based approaches must be transparent and harmonised across Member States.

Additional points of concern include the need to safeguard the cold chain during inspections or controlled landings to prevent deterioration or necessitating the destruction of products during inspections, with full accountability placed on authorities where this occurs. The use of artificial intelligence in inspections must always be subject to human oversight, clear accountability, and data protection safeguards. Provisions on recreational fisheries should be made enforceable in practice and applied equally to EU and third-country operators. Commercially sensitive information must be better protected against insecure transmission. The proposal to link deletion of penalty points solely to private certification schemes is inequitable and should also recognise public training and improvement programmes. Finally, enforcement must apply equally to EU and non-EU operators and masters, and responsibility for quota deductions should rest with public authorities rather than private operators.

With regard to boarding ladders, the NWWAC highlights significant concerns about the outdated and unsafe material specifications currently foreseen. References to hardwood and manila rope do not reflect modern safety standards, and the use of more durable and reliable materials should be permitted. Harmonised standards across Member States are urgently needed to avoid confusion and ensure consistency in inspections. The Council strongly recommends that EFCA, DG MARE, Member States and stakeholders jointly develop clear and practical protocols for design, material requirements, testing and maintenance. Inspections of ladders should be conducted at regular intervals and applied uniformly across the EU.

Beyond technical requirements, there is also a clear need for awareness-raising, training, and practical guidance to support compliance. The cost of replacing ladders is significant, and the NWWAC therefore recommends that acquisition of compliant ladders be made eligible for support under the EMFAF, with Member States encouraged to facilitate access to funding.

In conclusion, the NWWAC urges the Commission to carefully consider these recommendations and to take the necessary steps to improve both the consultation process and the substance of the Delegated Regulation. Harmonisation across Member States, fairness in the application of obligations, and above all the safety of crews and inspectors must be at the heart of the control framework. By addressing the issues identified in this advice, the EU can ensure that the system is both effective and workable, strengthening compliance and safeguarding the long-term sustainability of fisheries.

Background

At the recent meetings of the North Western Waters Advisory Council (NWWAC) in Vigo from 02 to 04 July 2025, dedicated sessions were held with representatives from the European Fisheries Control Agency (EFCA), during which serious concerns were raised regarding the safety, condition, and reliability of boarding ladders used during fisheries inspections. Reported issues included broken steps, inadequate placement, and slippery surfaces, particularly during disembarkation procedures. While no major accidents have occurred thus far, these near-miss incidents underscore the urgent need for coordinated action to improve the safety and standardisation of boarding ladder equipment.

The NWWAC reiterates that the safety of inspectors, vessel crews, and all those working at sea is of paramount importance. In response to these concerns, NWWAC members agreed to reconvene the Focus Group on Control with the specific objective of preparing formal advice aimed at contributing to improve boarding ladder safety and promoting a coordinated approach and harmonised standards across Member States.

In parallel, on 15 July 2025, the European Commission published the Draft “Commission Delegated Regulation supplementing Council Regulation (EC) No 1224/2009, laying down rules on fisheries control, marketing, surveillance, inspection, enforcement, and compliance”, including a detailed Annex. A public consultation period was opened from 15 July to 12 August 2025¹. The draft Delegated Regulation has been later adopted by the Commission on 27 August 2025.² The NWWAC Focus Group on Control and Compliance met on 8 September to discuss the way forward. In light of the short consultation period and the time needed for the Advisory Council to complete its internal decision-making procedures, FG members first agreed to send a letter to Director-General Charlina Vitcheva³ expressing their concerns on the lack of meaningful consultation with Advisory Councils and Stakeholders on both the Regulated and Draft Implementing Regulations.

In addition, the FG agreed to prepare a comprehensive NWWAC advice on the Delegated Regulation as a whole, rather than limiting their input to the provisions on boarding ladders, since concerns were raised during the meeting regarding several specific measures.

The following NWWAC advice is therefore divided into two parts:

- **Part 1** – NWWAC recommendations on the “COMMISSION DELEGATED REGULATION (EU) .../... of 27.8.2025 supplementing Council Regulation (EC) No 1224/2009 by laying down rules on the control of fisheries and on the surveillance and inspection of fishing activities, enforcement and compliance”.
- **Part 2** – NWWAC recommendations on the Annex IV (Construction and use of boarding ladders) of the Commission Delegated Regulation

¹ [Fisheries control and enforcement – detailed rules](#)

² [Fisheries control and enforcement – detailed rules](#)

³ The letter on stakeholder involvement in the implementation of control regulations is currently in the NWWAC’s approval procedure and is being supported by other ACs.



Part 1 - NWWAC Recommendations

- **Stakeholder Consultation, process and timing concerns**

Building on its previous communications and ongoing engagement, the NWWAC reiterates its readiness to contribute to effective and efficient control and enforcement. The Delegated Regulation presents an opportunity for the sector to enhance the accuracy of data collection by reflecting technological progress and the specific characteristics of different fisheries and value chains. While the NWWAC supports the overarching objective of strengthening the Union's fisheries control framework, it must nevertheless express serious concerns regarding the timing and conduct of the public consultation on the Commission Delegated Regulation.

Delegated Regulation: Explanatory Memorandum – Paragraph 2 (page 2): “Finally, the Commission recalls that the four-week consultation period is the standard duration and follows extensive internal and external consultations, including dedicated exchanges with those stakeholders who formally requested them. The timing of the consultation was determined by procedural constraints facing the Commission, balanced against the need to have the new rules in force by 10 January 2026, in line with the timeframe and deadlines set by the co-legislators under Regulation (EU) 2023/2842.”

The consultation period, opening from 15 July to 12 August 2025, coincided with the summer recess, severely limiting the ability of the fisheries sector to participate meaningfully. The extremely short four-week consultation window, coupled with the highly technical nature of the legislative text and its interaction with various related rules, created a situation in which operators and stakeholders could not fully assess or respond to the proposed measures. This approach gives the impression of formal compliance with consultation requirements while undermining genuine engagement and stakeholder confidence.

Delegated Regulation: Explanatory Memorandum – Paragraph 2 (page 1): “In parallel, the Commission engaged with relevant stakeholders, including representatives from the fishing industry, throughout the preparation of the Delegated Regulation. Their input was gathered during dedicated sessions held under the framework of the Advisory Councils, which provide a formal channel for structured dialogue between stakeholders and the Commission. Discussions focused on the feasibility, proportionality and practical implications of the proposed measures. Following these exchanges, stakeholders were invited to submit written contributions, which the Commission carefully reviewed and took into account, as appropriate, in refining the draft text.”

(page 2): “No additional amendments were deemed necessary for one or more of the following reasons: (a) the comments related to matters outside the scope of the draft Delegated Regulation; (b) the comments sought clarifications or expressed views on certain provisions, which did not warrant any specific change; (c) the comments were already reflected in the text of the draft Delegated Regulation, related to its ex post implementation, or concerned elements that will be addressed in other acts currently under preparation; or (d) the comments were based on a partial or inaccurate reading of Regulation (EC) No 1224/2009, as amended by Regulation (EU) 2023/2842, including as to the scope of certain empowerments, or of the draft Delegated Regulation itself”

This lack of meaningful consultation has been observed across multiple submissions by those NWWAC members who managed to submit their feedback. Strong concern was expressed on how the approach used could undermine confidence in the consultation process and risks damaging the relationship between EU institutions and the fisheries sector.

The process, as currently structured, has the hallmarks of a top-down exercise: ad hoc engagement occurs at Member State level, but there is no structured, ongoing stakeholder dialogue. Consequently, stakeholders are left with little confidence that their submissions will be considered rigorously or meaningfully.

It has been highlighted that while Inter-AC meetings allowed for the raising of concerns, the limited consultation timeframe and lack of follow-up have meant that the sector's input has not demonstrably influenced the Regulation. The resulting process appears to prioritise the appearance of stakeholder engagement over substantive consideration of practical implementation issues, creating an impression of box-ticking rather than genuine co-development.

At the Multi-AC workshop on Control Regulation⁴, that were held in February 2025 with the Commission, a range of issues including those covered by this Delegated Regulation were raised by a number of different stakeholders at the meetings. Despite the Commission engagement, the AC members noted that many issues were not comprehensively dealt with and in fact with limited consultation due to the limited time more questions were raised and are yet to be answered. Furthermore, following the workshop and based on the discussion held, the NWWAC, PelAC and NSAC developed and InterAC advice. This was submitted to the Commission on 23 May 2025⁵ and the ACs still have not received a reply. AC members have observed little evidence that the contributions provided during the process were reflected in any changes or adjustments to either the Delegated Act or the Draft Implementing Regulations. This gives the impression that the consultation was primarily a formal exercise, rather than a genuine opportunity for input.

In conclusion, the NWWAC stresses that while the New Control Regulation presents an opportunity to enhance the robustness and effectiveness of fisheries control, the current consultative approach is inadequate. A more structured, transparent, participative, and inclusive engagement process is essential to ensure that the Delegated Regulation is practicable, enforceable, and aligned with the realities of the sector it aims to regulate.

- **Recital 2**

The NWWAC welcomes the intention expressed in Recital 2 to simplify the development of the Control Regulation through a single legislative act. However, the structure of the draft, which frequently referenced the future Implementing Regulation and its annexes – still under parallel consultation – undermines this objective.

⁴ <https://www.nwwac.ie/listing/multi-ac-workshop-on-the-control-regulation.5234.html>

⁵ [Joint NWWAC, PelAC and NSAC Advice on the implementation of the EU Fisheries Control Regulation](#)

- **Article 5 “Measures to be taken in the event of non-receipt of data concerning the position and movement of fishing vessels”**

Article 5, concerning position data and vessel monitoring devices, raised significant concerns among NWWAC members. The provision permitting flag States to remove a vessel’s monitoring device for investigative purposes, without a defined maximum duration, could result in vessels being rendered inactive for indefinite periods. Such a scenario would have serious implications for business continuity, crew income, and the operational reliability of fishing activities. The NWWAC considers it essential to establish a clear legal time limit to ensure proportionality and prevent potential misuse.

Furthermore, the regulation introduces an unfair double standard by not requiring the same obligations of third-country fishing vessels operating in EU waters. Equal treatment is essential to uphold fair competition, maintain sustainable fisheries, and reinforce the credibility of the Union’s control framework. The vague formulation “where possible” (paragraph 5) in relation to third-country obligations invites loopholes and inconsistent enforcement.

Finally, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 6 paragraph 2(b) - Monitoring and recording of fishing activities using vessel position data**

The NWWAC notes that the terms “for official purposes” and “for scientific purposes” in Article 6, paragraph 2(b) are currently vague and could be interpreted in ways that risk the misuse of sensitive VMS data. The NWWAC recommends that these terms be clearly defined and, where possible, qualified within the legal text to minimise the potential for inappropriate use.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Articles 4.7 and 7.6**

The NWWAC notes that Articles 4(7) and 7(6) clarify that lack of network coverage shall not be considered a technical or communication failure. The NWWAC recommends that this provision apply to all Community vessels, not only those under 12 metres, to ensure fairness and practical applicability across the fleet.

Additionally, the NWWAC questions the exclusion of information on products below the minimum reference size in multi-species batches, as this omission lacks justification and may undermine conservation objectives. The NWWAC recommends that all relevant catch information be included to support effective fisheries management.

- **Articles 4 and 7**

The NWWAC notes that the practical implementation of the delegated Regulation is severely hindered by the lack of harmonisation between Member States. Both Articles 4 and 7 delegate responsibility for determining the telecommunication means for data transmission to individual Member States, resulting in a fragmented enforcement landscape with differing national systems, incompatible technologies, and overlapping reporting requirements.

The NWWAC recommends that the Regulation establish harmonised standards for data transmission across all Member States to ensure legal clarity, simplify compliance, and facilitate cross-border fishing operations.

- **Article 7.3 – Technical or communication failure of electronic recording and reporting systems**

The NWWAC notes that the obligation for vessel owners to ensure electronic recording and reporting systems are fully operational does not take into account practical challenges, including delays caused by adverse weather conditions. The NWWAC recommends that the Article include an obligation for competent authorities to monitor and confirm that systems are operational within a specified period. At a minimum, the wording should clarify that delays beyond the control of the operator do not constitute non-compliance, for example by adding “without due to delay” at the end of the Article.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 13 – Security of control observers on fishing vessels [Art. 15 in the Draft Delegated Regulation]**

The NWWAC notes that the obligations under Article 13 regarding control observers may lack proportionality and impose additional, unacknowledged burdens on fishing vessels. While the independence and safety of observers must be ensured, the Regulation does not sufficiently account for the physical limitations onboard, particularly in terms of privacy and accommodation, which vary significantly between vessels of different sizes and designs. The NWWAC recommends that the Regulation recognise these practical constraints and allow for a flexible approach.

Secondly, while vessel masters are required to treat control observers as officials during their time onboard, the NWWAC emphasises that observers must also respect the authority of the master, who retains ultimate responsibility for the safety of the crew, the vessel, and the continuity of fishing operations. The NWWAC recommends that the Regulation explicitly maintain this chain of command to ensure both compliance and a safe, operationally effective working

environment. A balanced approach is needed to facilitate control tasks without undermining the responsibilities of vessel leadership.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 16 – Duties of officials when conducting inspections [Art. 18 in the Draft Delegated Regulation]**

The NWWAC notes that the inspection powers granted under Article 16 are extensive and, in some cases, may risk undermining legal certainty and the principle of proportionality. In particular, the authority to take photographs, video, and audio recordings during inspections must be strictly limited to official inspection purposes and comply fully with the General Data Protection Regulation (GDPR). The NWWAC recommends that the Regulation includes clear provisions on the time-limited retention of such recordings, the oversight of their use, and the requirement to inform vessel masters immediately when recordings are made.

Secondly, the NWWAC recommends that the final debriefing of inspections be formalised in writing, providing a clear, reviewable record of the inspection's findings and any actions taken, to ensure transparency, accountability, and legal certainty.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 17 (1) – General provisions [Art. 19 (1) in the Draft Delegated Regulation]**

The NWWAC notes with concern the inclusion in Article 19(1) of an exception to the obligation for control vessels to carry an identification pennant, allowing it to be omitted during covert operations authorised under national law. The NWWAC questions the appropriateness of applying covert operations to fisheries surveillance activities, as this would represent an unjustified extension of powers not foreseen in the Basic Regulation (CFP). The NWWAC therefore recommends that this exemption be removed to ensure clarity, transparency, and consistency with the legal framework.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 18 – Boarding fishing vessels at sea [Article 20 in the Draft Delegated Regulation]**

The NWWAC recognises the importance of allowing safe boarding and disembarkation of officials and accepts that the shooting of gear may need to be delayed in such circumstances. However,

the Regulation must take account of the operational realities of pair trawling, where the processes of shooting and hauling are complex and involve coordination between two vessels. Interrupting these operations poses serious safety risks and should be avoided at all costs. In such cases, only delaying – rather than interrupting – should be permitted.

Secondly, the NWWAC stresses that any extension of the 30-minute delay must be supported by clear and objective justification. Simply citing a detected infringement without substantiated evidence is insufficient. Without such safeguards, there is a risk that inspections could be prolonged arbitrarily, undermining both mutual trust and the efficiency of fishing operations.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 19 – On board activities (Art. 21 in the Draft Delegated Regulation)**

The NWWAC expresses concern that it is no longer sets a maximum duration for inspections. Previously, inspections were limited to four hours, subject to justified exceptions. Replacing this clear limit with the vague reference to a ‘necessary time’ creates ambiguity and could significantly disrupt the normal operation of vessels. The NWWAC therefore recommends retaining the approach set out in Article 104(4) of Implementing Regulation 404/2011⁶, which provides greater legal clarity and proportionality."

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 21 – Preparation of inspections [Art. 23 in the Draft Delegated Regulation]**

The NWWAC recommends that the preparation of inspections, including sampling at the time of landing, take account of the practical realities of land-based processing. Competent Authorities should have the option to inspect part or all of a consignment in a designated processing facility located within a specified distance from the port of landing, based on a robust control plan where applicable.

The NWWAC further stresses the importance of a level playing field in the application of inspection protocols and risk analyses across Member States. The rationale and methodology for risk-based inspections must be transparent, objective, and clearly defined, to avoid inspections being driven by policy priorities rather than genuine operational risks. In addition, inspection and cross-check procedures should be designed with due regard for the quality and perishability of fish products, as excessive handling or unnecessary delay risks damaging high-value catches without improving compliance.

⁶ [CL2011R0404EN0040010.0001.3bi_cp 1..1](#)

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 23 paragraph 1 – General principles [Art. 25 (1) in the Draft Delegated Regulation]**

The NWWAC notes with concern that Article 23 requires inspections to be carried out in a way that ensures the maintenance of the cold chain of fishery products, but does not provide any clear operational guidance on how this is to be achieved. In practice, inspection and sampling procedures may compromise the cold chain, potentially reducing the quality of part or all of a consignment and leading to financial losses for operators, particularly where no infringement is ultimately detected.

The NWWAC recommends that the delegated act take proper account of these operational realities in the design of robust control protocols, including inspections during transport. Furthermore, the Regulation should clarify the obligations of competent authorities in cases where inspections cause a deterioration in product quality without identifying any breach, and establish safeguards to prevent operators from bearing disproportionate costs. Finally, the NWWAC stresses the importance of ensuring a level playing field in the application of inspection procedures and risk assessments across Member States, particularly given the differing fleet structures and quota allocations under relative stability.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 26 – Additional methodologies and technologies used for the conduct of inspection [Art. 28 in the Draft Delegated Regulation]**

The NWWAC notes the reference to artificial intelligence (AI) in Article 26, which reflects the growing role of new technologies in inspection processes. However, the Regulation does not sufficiently address the implications of AI-based decision-making. Critical issues such as accountability for errors, procedures for handling mistakes, and the establishment of cybersecurity safeguards to prevent manipulation are not clarified.

The NWWAC recommends that any use of AI in inspections be subject to strict human oversight, robust data protection standards, and clear accountability mechanisms. These safeguards are essential to ensure that sensitive fisheries data is protected and that enforcement actions remain proportionate, transparent, and legally sound.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 30 paragraph 2(a) – Inspection of recreational fisheries [Article 32 (2.a) in the Draft Delegated Regulation]**

The NWWAC notes that Article 30(2)(a) lacks clarity regarding the types of information and documents that operators may be required to provide during inspections. The reference to “relevant databases” is also unclear, as such databases are unlikely to exist in practice.

The NWWAC recommends that the Regulation clearly define the documentation and information that may be requested, ensuring that requirements are practical, enforceable, and consistent with existing practices. Moreover, the Regulation should guarantee that enforcement measures are applied fairly and proportionately across all operators, including those from third countries, to maintain a level playing field with EU nationals.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 33 paragraph 2 – General obligations of masters [Art. 35 (2) in the Draft Delegated Regulation]**

The NWWAC notes that the final part of Article 33(2), which allows masters to be required to report commercially sensitive information through non-secure channels if deemed necessary for an inspection, is insufficiently defined. This creates legal uncertainty and risks compromising strategic information for fishing undertakings.

Additionally, The NWWAC recommends that the Regulation clearly specify the conditions under which such information may be requested and ensure that appropriate safeguards are in place to protect commercially sensitive data.

At the same time, the NWWAC acknowledges the Commission’s efforts to amend paragraph 2, which had previously raised concerns among its members, as it suggested that although masters would not generally be required to transmit commercially sensitive information via open channels, such disclosure could still be requested if deemed necessary for inspection purposes.

- **Article 36 – Conditions justifying the deletion of points [Art. 38 in the Draft Delegated Regulation]**

The NWWAC expresses concern regarding the provision allowing the deletion of up to two control points for participation in an organic-certified fishery. This approach appears to assume that only private certification schemes guarantee sustainable fisheries management, which is not the case.

The NWWAC recommends that competent authorities retain the ability to offer further training and improvement programmes as a public measure, rather than relying solely on costly private certification schemes. Additionally, existing impartial options for deleting points should be maintained to ensure a balanced and fair approach to incentivising responsible fishing practices.

- **Article 37 – Recording of points assigned to masters [Article 39 in the Draft Delegated Regulation]**

The NWWAC notes that the Delegated Regulation does not address situations in which masters of vessels from third countries may commit multiple serious infringements without facing penalties, such as suspension or withdrawal of their fishing licence. This creates an imbalance compared with EU nationals and undermines the principle of a level playing field.

The NWWAC recommends that the Regulation establish mechanisms, including reciprocal arrangements with third countries, to ensure that enforcement measures are applied fairly and consistently to all operators in EU waters, thereby maintaining equality and fairness in compliance and penalty procedures.

Furthermore, the NWWAC highlights that some of its members raised this concern during the consultation period. The NWWAC notes that it was not adequately addressed in the preparation of the final Commission text.

- **Article 38 – Deadline and requirements concerning Member States reply to Commission findings on deduction of quotas for failure to comply with the objectives of the common fisheries policy [Article 40 in the Draft Delegated Regulation]**

The NWWAC strongly opposes the mechanism that allows the Commission to deduct quotas from Member States for non-compliance with the Common Fisheries Policy. In practice, such deductions penalise private fisheries operators rather than the responsible authorities, undermining the legitimacy of the enforcement system and providing little incentive for Member States to address structural deficiencies in administration, enforcement, or reporting.

The NWWAC recommends that a more equitable approach be developed, ensuring that public authorities are held accountable for non-compliance, rather than transferring the consequences to operators who are not at fault.

Conclusion

The Delegated Regulation proposed by the European Commission represents an important step forward in the development of the EU's fisheries control framework. Nevertheless, in its current form it presents risks of legal ambiguity, operational challenges, and potential social and economic impacts. To avoid such unintended consequences, it is essential to ensure harmonisation, provide adequate transitional support, and guarantee clarity and fairness in enforcement. Building trust, fostering compliance, and safeguarding the long-term sustainability of European fisheries require more than technological progress and strict control measures. They also call for proportionality, cooperation, and a thorough understanding of the sector's operational realities. The NWWAC therefore respectfully urges the Commission to take these concerns into account, to revise the Delegated Regulation accordingly, and to engage in renewed dialogue with stakeholders that reflects both the importance and the complexity of this reform.



Part 2 - NWWAC Recommendations on Boarding Ladder Safety and Material Standards

1. Modernise the Regulatory requirements and clarification on permitted materials

The current regulatory description of boarding ladders is outdated, in some cases still referring to materials such as manila rope and timber, which do not reflect modern safety and performance standards. Fishers report that current restrictions on the materials allowed for boarding ladders may contribute to unintentional breakages during deployment, raising safety concerns.

Annex IV of the draft Commission Delegated Regulation states:

Article 4(a) : “The steps of the boarding ladder shall: (a) **be of hardwood or other material of equivalent properties**, made in one piece free of knots; the four lowest steps may be made of rubber of sufficient strength and stiffness, or of other suitable material of equivalent characteristics.”

Article 6: The side ropes of the ladder shall consist of two uncovered **manila or equivalent ropes** not less than 60 mm in circumference on each side; each rope shall be left uncovered by any other material and be continuous with no joints below the top step; two main ropes, properly secured to the fishing vessel and not less than 65 mm in circumference, and a safety line shall be kept at hand ready for use if required.

Article 7: Battens made of **hardwood, or other material of equivalent properties**, in one piece, free of knots and between 1,8 and 2 m long, shall be provided at such intervals as will prevent the boarding ladder from twisting. The lowest batten shall be on the fifth step from the bottom of the ladder and the interval between any batten and the next shall not exceed nine steps.

The NWWAC notes that, while the current regulatory language allows some flexibility, it remains unclear which alternative materials are considered acceptable for boarding ladder construction. To avoid ambiguity and ensure both safety and legal certainty, the NWWAC strongly recommends reviewing and updating these specifications. Existing references to outdated materials (hardwood and manila rope) no longer reflect modern safety standards or operational realities at sea.

Clear, updated guidelines should be developed in consultation with both relevant stakeholders and EFCA and explicitly list a set of criteria for the use of safe, durable, and modern materials, such as corrosion-resistant metals and non-slip synthetic components. Issuing a certificate of compliance could be considered.

At the international level, the NWWAC notes that the International Maritime Organization (IMO) has long been engaged in strengthening safety standards in this sector, including those relating to boarding ladders. However, the Cape Town Agreement of 2012 (CTA), which establishes a global safety framework for fishing vessels, has not yet entered into force. The measures proposed by the Commission are broadly aligned with those of the IMO, but there is a discrepancy regarding the required dimensions of boarding ladder steps: the Commission’s Annex specifies a

thickness of 23 mm, while the CTA establishes a minimum depth of 25 mm. Members have further observed that timber steps currently available on the market are typically lighter and weaker, often around 20 mm thick, whereas older models were usually closer to 30 mm. In this context, the NWWAC recommends aligning with IMO standards and setting a minimum step depth of at least 25 mm.

2. Promote harmonised standards and compliance

There is inconsistency in the interpretation and enforcement of safety requirements by different authorities, undermining harmonisation efforts and causing confusion within the fishing sector.

The NWWAC calls for EFCA, in collaboration with Member States, DG MARE, and industry stakeholders, to establish harmonised protocols and technical standards for boarding ladders. These should cover material requirements, design specifications, and maintenance checks to ensure safe and consistent use across all Member States.

3. Joint development of Safety Protocols and Testing

Discussed during the NWWAC meeting in Vigo with EFCA representatives, the NWWAC supports the suggestion to explore the development of protocols or testing regimes for boarding ladders. Such initiatives could be formalised through a set of formalised Guidelines between EFCA and the fishing sector, reinforcing shared responsibility for safety and compliance. At the same time, the boarding ladder should be inspected every two years, in line with the safety certificate inspections for fishing vessels, with compliance harmonised across all Member States. .

4. Awareness and Training

Greater awareness should be raised among vessel operators about the importance of maintaining boarding ladders in good condition, not only as a legal requirement but as a key safety measure. The NWWAC recommends integrating boarding ladder safety into training and outreach efforts, particularly as part of broader control regulation implementation guidance.

5. Support for Industry Compliance

Recognising that breakages are often unintentional, the NWWAC emphasises that fishers are committed to safety and compliance. However, they require clear, consistent, and practical guidance, as well as flexibility to use improved materials that enhance safety without increasing regulatory complexity or financial burden.



6. Funding

Ensuring safety on board may require many vessel masters to replace their current boarding ladders, which represents a significant additional cost. To support this transition, the NWWAC recommends that the acquisition of compliant boarding ladders be eligible for financial assistance under the European Maritime, Fisheries and Aquaculture Fund (EMFAF), as well envisaged under the upcoming Multiannual Financial Framework. The NWWAC encourages Member States to make this support available and urges fishers to apply for funding to help cover the associated expenses.

Conclusion

The NWWAC urges the Commission and EFCA to act swiftly in reviewing the current boarding ladder specifications and to engage closely with the industry to ensure solutions are practical, safe, and harmonised. Such a collaborative approach is essential to safeguarding those working at sea and ensuring consistent application of control measures across the EU.

– END –