

Minutes of the
Workshop on evaluation of Regulation (EC) 1224/2009 on Fisheries Control
18 March 2016

Participant: The MEDAC delegation was made up of the Executive Secretary

Items of the Agenda:

1. Welcome and introduction Fabrizio Donatella Head of Fisheries Control Policy Unit

Mr Donatella opened the meeting informing that DG MARE drafted the Public Consultation to stakeholders before getting the consultant report and that a first analysis of the public consultation will be presented during the meeting. He underlined that the Control regulation represents the cornerstone of CFP. Moreover, took note of the work done by the EFCA, and the reports impressive looking at last 5-6 years when it was implemented, he underlined the huge improvement and increase of inspections (SCIPs/JDPs). Donatella would like to receive a feedback on how efficient is this approach of control system and the current legislative framework and if control policy is fully part of a way to approach management of stocks.

- Mr Donatella summed up the first results of the evaluation and noted the tendency of stakeholders to criticize the existing legal framework without entirely clarifying if it is their intention to change the law or implement it differently. He concluded its introduction asking if are we sure we are using all the elements available in the toolbox or do we need additional elements or tools that are missing today. Finally, in the context of evolving piece of legislation, Lisbon Treaty, new CFP Reform (Landing Obligation, regionalization), Omnibus Regulation, EMFF Donatella is wondering how we can follow up all these new elements to take into account.

2. Presentation: Context, state of play, First results from stakeholder consultations

The representative of DG MARE, Manuela Musella, gave her presentation starting from the timeline related to the entry into force of the Control regulation (1st January 2010), then, as for art.118 of the Control regulation, the scheduled evaluation of the impact of this regulation on the common fishery policies after 5 years of its entry into force. DG MARE launched the public consultation on the evaluation of Regulation on Fisheries Control that ended on March 13, and she informed that the evaluation report of the Commission will be sent at the latest at the end of this year.

Musella started to analyse the evaluation of 5 criteria of the impact of control regulation:

- 1 relevance,
- 2 effectiveness,
- 3 efficiency,
- 4 coherence,
- 5 EU added value

Musella underlined the importance of its effectiveness (try to assess to what extent the control regime has achieved its objectives), which is different from the efficiency = cost effectiveness (cost/benefit ratio).

She then presented the outcomes of the preliminary assessment:

- The system looks modern and robust;
- Improvement of behaviour;
- Strong appreciation role of EFCA;

Deficiencies

- Sanctions/infractions point system;
- Need for more transboundary cooperation and exchange of data;
- Lack of clarity regarding: some technicalities (rules of weighing) and serious infringements;
- Too many derogations especially for some length size of the fleet (pre notifications, VMS, ERS, etc.)
- Lack of flexibility on the fishing specificities.

And the way forward:

- Member States asked for evolution and no revolution;
- European Parliament: the complexity of rules does not allow the level playing field;
- Fishermen need for stability, clarity, more flexibility and more level playing field;
- NGOs asked for reopening the control regulation and for enforcing and implementation.

So, in summary:

- Solid control regime;
- It should be perfectible;
- Need for more flexibility;
- Implementation still should be achieved;
- Adaptation for better continuity.

3. Promotion of the level playing field

Musella presented the ***Preliminary results for the public consultation related to some questions:***

- 431 responses (300 coming from Ireland, 61 from UK, 7 from IT);
- VMS: is appropriate and adequate tool and well implemented
- ERS: appropriate tool however some issues on the implementation (data exchange between MS)
- Vessels 12-15 m: derogations undermine level playing field and difficulties in data exchange between MS
- Vessels less than 10 m: exemptions undermine the level playing field and difficult control and uncertainties on the catch data
- Catch data and fishing efforts: a lot of discrepancy between reported data
- Traceability is appropriate difficulties of interoperability among MS, difficulties in data verifications

- Recreational fisheries: lack of provisions and no data of catch

The other representative of DG MARE (Francois...) underlined that the main weaknesses are more on the implementation of the text, there is a general issue of enforcement. He underlined that before the Control regulation there were several regulations, and now there is a single text. He concluded its intervention informing that there is not a political agreement on a revision of the control regulation

Manuela Musella informed the participants on the complaints received on the complexity of the rules, unfortunately in the control system adopted in 2009 there are still a lot of measures that need to be demonstrated that they have to follow the CFP rules.

The representative of NSAC is surprised to see among the objectives of the Control regulation the reduction of fishing overcapacity, the control rules should manage the fishing capacity only. He asked for some clarifications.

Manuela Musella replied saying that it is an appropriate comment, the control capacity was considered an appropriate tool to reduce overcapacity. At DG MARE internally we are verifying the control of engine power and there is a decrease of the fleet capacity.

Giuseppe, representative of DG MARE working at the fleet register, underlined that concerning the fleet capacity during the last 10 years the EU capacity has been reduced thanks to the scrapping tool. There has been the reduction in terms of GT and KW. Referring to the power of engine DG MARE is debating internally. At this stage 19 MS (80%) complied with this rule of implementing control regulation.

Francois DG MARE underlined that on recreational fisheries there is no real control from the EC and it was asked to Member States to reinforce or not recreational fisheries. The MS prefer to keep the control of recreational fisheries at national level. In the impact assessment this part will be underlined.

The representative of NWWAC noted that there is the need of a clear definition of recreational fisheries.

4. Development of a culture of compliance and respect of the CFP rules

Referring to this point of the agenda Manuela Musella summed up a preliminary assessment:

- Risk management: very much appreciated but there is not uniform application at EU level.
- SCIP/JDPs: very well implemented, how to expand the scope of them in terms of content and in terms of the mandate of EFCA
- Serious infringements: national criteria undermine level playing field, the criteria is left to the MS and this is a weak part of the system.
- Sanctions: hot topic under discussion in the EP, at EU level the EC can assure the criteria but the MS have to impose sanctions. The value in terms of Euro is different between the MS. the system of sanctions should be enforced.

The representative of MEDAC intervened informing that MEDAC didn't reply to the consultation document because of the specificities of the questions, but informed the participants that on 2011 MEDAC approved an opinion (Ref.48/AV 22 February 2011) in which was asked to the EC and to the Council to re-examine the measure for the purpose of maximum simplification and full applicability of the provisions, such as: the impossibility of harmonization of the penalty system, the increase of charges and costs for the surveillance activity, the duplication of duties coupling the AIS with the satellite control system with an increase of financial burdens for the enterprises, and a surveillance and inspection system which would damage the right of confidentiality, domicile, private and personal life. She concluded the intervention proposing some tools

to mitigate the weaknesses, such as. Improve and encourage the exchange of information and experiences on control implementation between MS and operators; harmonization and simplification of the electronic tools (AIS, VMS, ERS, etc.); review the penalty system in order to focalize it on serious infractions and non fulfilment and implementing an harmonized and homogeneous system of sanctions; to regulate the access of the use of the AIS data in order to better guarantee the right to confidentiality.

The representative of DG MARE Francois thanked for this intervention and **asked if it could be possible to receive, no later than the beginning of April, a written contribution of the MEDAC.** Referring to the issue of confidentiality he informed that it is very important also for MS and not only for stakeholders, and it is started the process to try to modify the EFCA mandate in order to collaborate with Frontex and EMSA to preserve data collection confidentiality.

5. Simplification and reduction of administrative burden

Manuela Masullo presented the Preliminary assessment:

- Simplification of the regulatory framework respect to previous system: for MS the control is easiest, but there is still some unclear related to traceability;
- Reduction administrative burden respect to previous system: it is an appropriate tool but there are too many derogations provided.

Francois of DG MARE closed the workshop informing that they do not know if it will be a revision of the control regulation, considered that there is also the possibility of not revising the control regulation and the possibility to better use the EFCA. He asked for sending contributions as soon as possible.