



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
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Mr Ivan Lopez
LDAC Chairman
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2º derecha
28036 Madrid
SPAIN

Subject: LDAC advice on Commission proposal for sustainable management of the external fishing fleet – Fishing Authorisation regulation (FAR)

Your ref: R-04-16/WG5

Dear Mr Lopez,

Thank you for sending us the LDAC advice on the proposal for sustainable management of the external fishing fleets (hereinafter "the new FAR"). We welcome your comments and are grateful for your general support. Below you may find answers to some of your concerns.

First of all, let me assure you that we fully share your position that legislation should be clear in scope and objectives, balanced in rights and obligations, consistent with the rules of the CFP and EU policies, easy to implement and with a spirit of providing certainty and predictability. Perhaps the initial Commission proposal did not fully satisfied these objectives, but during the negotiations held with the Council up-to-now, the text has evolved and improved, and I am confident to say we are heading to the right direction.

Indeed, through the different meetings of the Council working party, the different procedures for issuing a fishing authorisation have been simplified and the proposal has been aligned with the relevant provisions of the basic regulation, the control and IUU regulations. Procedures are now streamlined and consistent, and deadlines are generally reduced. The scope has also been clarified and all international fisheries agreements concluded by the Union and third countries are covered. In this respect, for example, there are new provisions with regard to Northern Agreements setting the conditions and procedures to follow when fishing activities are subject to an authorisation regime. With this new addition, the proposed regulation ensures level playing field all across the board,

in relation to the conditions to be complied with (between EU vessels fishing in or outside EU waters, and in relation to third country vessels in EU waters).

Also, the use of the annex is limited to situations where no procedures for issuing a fishing authorisation exist (i.e. direct authorisations and in the high seas). The data from the annex is reduced drastically by creating the necessary links with the fleet register, so that the same data are not requested twice. Once the proposal is adopted, only essential data needed to monitor the activities of a fishing vessel that are not available in the fleet register will have to be provided under the new FAR.

Further simplification and improvements of the operational work will be achieved with the new database system. Communication of fisheries data will be done electronically, will be automated, and based on a single entry point and a single standard. The Commission is ready to bear the financial costs of this database system, and national administrations will have enough time to go through a smooth transitional period to adapt to the new system.

Finally, I would like to take the opportunity to reply to some specific comments from the industry.

With regard to Article 5 on the eligibility criteria, we understand that for the time being, it might be difficult to fully comply with the obligation to have an IMO number for all vessels fishing outside EU waters. My services are doing their best to make sure this requirement will be enforceable at the time the proposed regulation is adopted by the co-legislators, so we will necessarily need to follow this point closely in the course of the negotiations for the new FAR proposal.

Regarding the criterion of a "clean record" from sanctions for serious infringements in the last 12 months, as a condition for a fishing authorisation, this is a rule that already exists in the current FAR Regulation (Regulation 1006/2008) and has been incorporated in the new proposal. This point is of great importance to us, especially since the ITLOS released its advisory opinion on Case 21 stressing that the EU bears international responsibility before third countries and international organisations for the activities of its fishing vessels; the responsibility of the Union requires it to act with "due diligence". You will concord with me that we need to ensure that only good conduct vessels and operators are allowed to fish outside EU waters, where the challenges of monitoring fishing activities are even greater.

Thank you again for your continuous cooperation and contribution to the improvement of international fisheries governance. If you have any question on this reply, you can contact Ms Evangelia Georgitsi, coordinator of the Advisory Councils (evangelia.georgitsi@ec.europa.eu; +32.2.295.04.43).

Yours sincerely,

João AGUIAR MACHADO