



Long Distance Advisory Council
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OPINION
Evaluation of Regulation (EC) 1224/2009 on Fisheries Control
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The present document constitutes a response to the EC public consultation, following a request made by DG MARE at the EC Workshop on the Evaluation of the Control Regulation, held on Friday 18 March 2016.

The LDAC would like to provide its comments on three specific areas of the five laid down in the EC consultation document¹ aiming to improve the implementation of the Control Regulation and to align it with existing EU and international fisheries legislative instruments:

1. Promotion of the level playing field

Achieving a uniform and coherent application of the provisions of the Control Regulation for an effective and reliable control system should be the shared ambition of all the Member States of the EU. A robust control system for all EU fleets fishing in or outside EU waters and for both EU and non-EU fleets fishing in EU waters must be one of the pillars for an effectively functioning CFP. The Regulation has however not reached its full potential due to different levels of commitment and implementation from the part of the EU MS. The LDAC considers it necessary for each MS to adapt and implement their national legislative provisions so all meet the same requirements and targets in terms of control operations at sea and at port and apply its correspondent sanction schemes. More transboundary cooperation and dialogue is required by the EU Member States both at a formal² and informal³ level.

It is also important that the Commission asks for a level playing field in terms of control in international waters at all RFMOs where the EU is a Contracting Party (e.g. ICCAT, NAFO, CCMLAR...), to avoid distortions in competition and the implementation of the same rules to all fishing operators within the same regulatory areas or grounds. In the absence of RFMOs, the same principle should be applied for bilateral negotiations with third countries, in line with Whereas 50 of CFP Basic Regulation (EU) 1380/2013.

¹ http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/control-regulation-evaluation/doc/consultation-document_en.pdf

² EU Fisheries Council, Control Group of Regional MS Groups, EFCA Administrative Board

³ Coordination meetings/workshops between national fisheries governmental authorities, control inspectors and fishermen



Regarding IT tools for improving MCS, the LDAC is a strong advocate for moving towards a full electronic (paperless) system for exchange, coordination, analysis and verification of catch data. All available technologies (VMS, AIS, ERS, VDS...), already fully in place in some EU long distant fleets, must be integrated within a single platform or “one stop shop” with the possibility in the near future to be extended also to other new technologies such as electronic catch certificates or issuing and verification of fishing authorisations, to be aligned with IUU and FAR regulations, respectively⁴.

2. Development of a culture of compliance with and respect of EU and international rules

The role of EFCA is very valuable and important for ensuring an adequate operational coordination of the national means of control and inspection for shared fisheries. The success in the elaboration and implementation of SCIPS/JDPs carried out to date is a testimony of this added value and has contributed to make the Control Regulation more effective and visible.

In view of this the LDAC advocates for an increased mandate and resources of EFCA not only in relation to control in EU waters but also outside EU waters, in particular in the field of operational coordination in the fight against Illegal, Unregulated and Undeclared (IUU) Fishing.

It is also advised to enhance capacity building across all EU MS and also third countries by promoting EFCA’s work on training materials (e.g. e-manuals) and presential courses (e.g. use of VMS...) to improve the core curricula (skills and knowledge) of fisheries control inspectors.

Furthermore, the core elements that contribute to a culture of compliance will be influenced positively if a set of simpler and better understandable rules is developed with real inclusion and buy-in by the fisheries stakeholders, in particular the fishing operators affected by it. The same goes for a more efficient strategy and the development of a risk based approach for control is important both at national and EU level as it will contribute to promote cost effectiveness in the number and quality of inspections through a pre-identification of potential serious offenders or problematic fisheries.

Regarding the sanction system, despite being a competence of the MS, it is the view of the LDAC that there should be increased efforts to harmonise the implementation and level of sanctions “*serious infringements*” at EU level. Otherwise there might be different consequences (e.g. rules on weighing of by-catches) for similar behaviours depending on the nationality of the fleet.

⁴ See item 2.5 of Recommendations of Las Palmas Conference (16-17 September 2015): <http://ldac.chil.me/download-doc/66268>



The Commission also has a duty to monitor implementation by Member States and take the necessary steps to ensure they all work towards establishing a level playing field in terms of control, enforcement and sanctions. This is also important to ensure the EU meet its international obligations under UNCLOS and all international fisheries agreements it is a party to.

3. Simplification and reduction of administrative burden

The Control Regulation was adopted and entered into force before the Lisbon Treaty and the current CFP Basic Regulation (EU) No 1380/2013. As a result, a number of specific policies have been introduced since then which have had incidence in MCS operations, such as the landing obligation (art 15) or the regionalization process (art 18).

The simplification and reduction of administrative burden should be reflected and translated into tangible and specific actions and not remain a mere statement of intention in the text but without effective application in reality.

There is also a need for policy coherence between the Control Regulation and the IUU Regulation as well as the forthcoming new Fishing Authorisation Regulation (EC proposal under discussion at Council and European Parliament). A thorough check and review of the Fishing Authorisation regulation needs to be carried out to avoid any ambiguities or conflicts of interpretation and to ensure complementarity of roles between these legislative instruments.

In the same way, regarding traceability, the provisions laid down in the Control Regulation would deserve harmonization with the general EU rules on food safety and traceability based on the “*one step back – one step forward*” principle, which has proved to achieve a smooth performance and efficiency in the fight for an improving standards of food safety/hygiene.

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