

Explanatory meetings of the EU acquis – Chapter 13

EU Fisheries Control System

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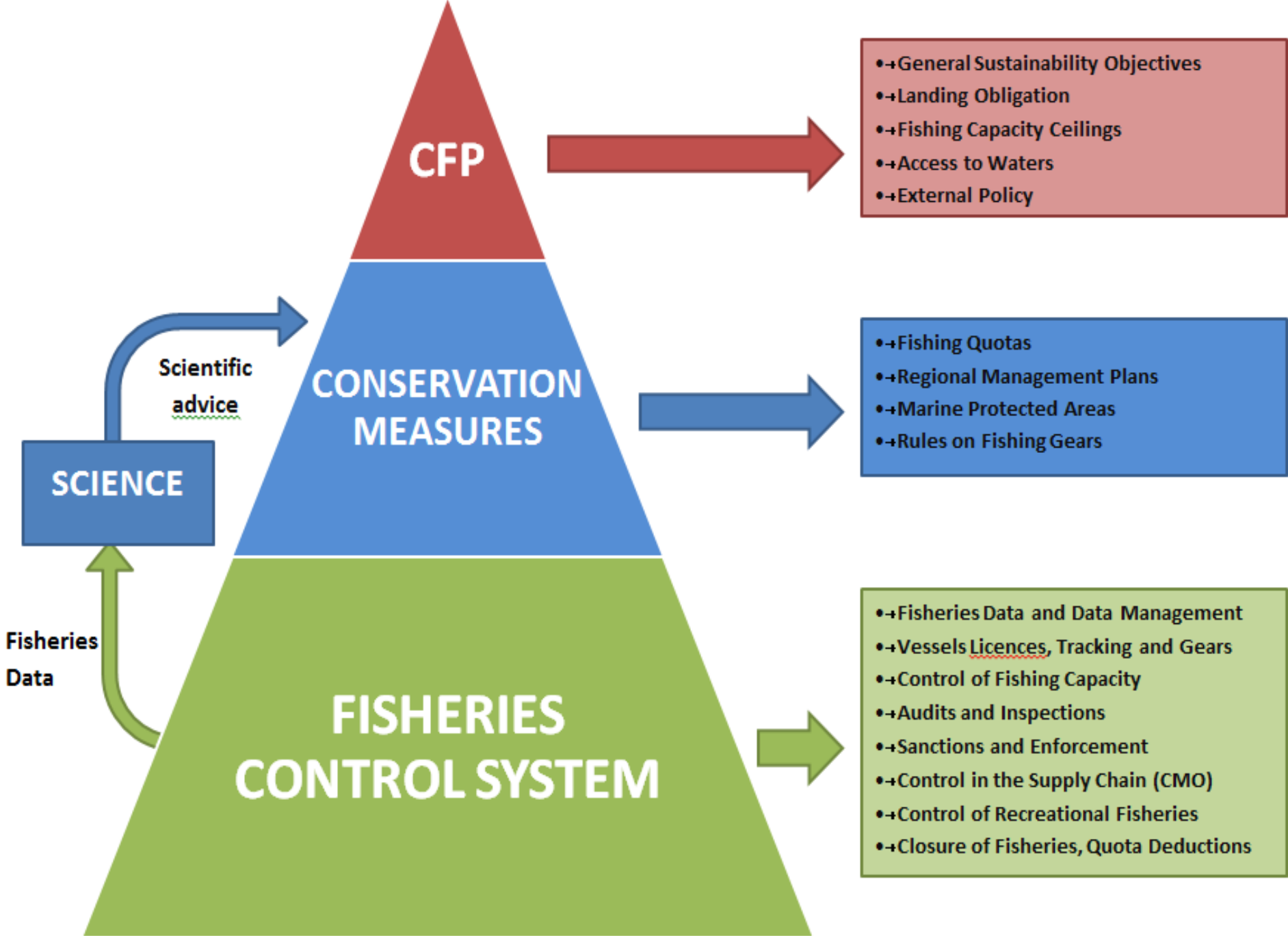
These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union

EU fisheries control system

- ✓ **Ensure effective enforcement**
- ✓ **Create a culture of compliance**
- ✓ **Ensure level playing field**
- ✓ **Prevent and combat IUU fishing**



Ensure sustainable fisheries



EU Fisheries Control System

**Fisheries Control Regulation
(Council Reg. (EC) No
1224/2009)**

**IUU Regulation (Council
Reg. (EC) No 1005/2008)**

**4 main
complementary
pillars**

**EFCA Founding Regulation
(Council Reg. (EC) No
768/2005)**

**Sustainable Management of
external fleet (Council and
EP Regulation 1006/2017)**

EU Fisheries Control System

**RFMOs transpositions (e.g.
ICCAT, NAFO, IOTC...)**

**Mediterranean Regulation
(Reg. 1967/2006),**

**Other control
measures**

**Deep-sea Regulation (Reg.
2016/2336)**

**Multiannual plans (Baltic
MAP)**

Who does what?



Who does what?

- *Fisheries control rules are implemented and primarily checked by the national authorities and inspectors of Member States.*
- *The European Fisheries Control Agency (EFCA) in Vigo, Spain, organizes joint control campaigns called "Joint Deployment Plans" (JDPs), where inspectors from different Member States work together.*
- *The Commission has its own inspectors, but they do not inspect directly fishermen. Their main role is to verify/audit the control systems put in place by the Member States, and make sure that the CFP rules are enforced effectively and fairly across the whole of the EU.*

LEGISLATION

CONTROL REGULATION

- [Council Regulation \(EC\) No 1224/2009](#) establishing a Union control system for ensuring compliance with the rules of the common fisheries policy
- Proposal for a revision of [Council Regulation \(EC\) No 1224/2009 of 20 November 2009](#)
- [Commission Implementing Regulation \(EU\) No 404/2011](#) laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009

SCIPs

- [Commission Implementing Decision \(EU\) 2018/1986](#) establishing specific control and inspection programmes for certain fisheries

EFCA

- [Council Regulation \(EC\) No 768/2005](#) establishing a Community Fisheries Control Agency
- [Regulation \(EU\) 2019/473](#) of the European Parliament and of the Council on the European Fisheries Control Agency (codification)

The Fisheries Control Regulation SUBJECT MATTER

The Fisheries Control Regulation (EC) 1224/2009

***"establishes a Union system for **CONTROL**,
INSPECTION and **ENFORCEMENT** to ensure
compliance with the rules of common fisheries"***

The Regulation entered into force on 1 January 2010

The Fisheries Control Regulation

SCOPE

- The Control Regulation applies to all activities covered by the Common Fisheries Policy carried out :
 - › **On the territory of MS**
 - › **In EU waters** - by any vessel (including Third Country vessels);
 - › **Outside EU waters** - by EU fishing vessels and by nationals of Member States.



The Fisheries Control Regulation

Very complex and comprehensive Regulation

124 Articles
in XV titles

- ***It applies the whole Union fishing fleet (irrespective of their geographic location) and Third country fleets fishing in EU waters and it covers all fishing activities, for all fisheries***
- ***Strong link with other fishery legislation (CFP, Technical Measures, IUU Regulation, RFMOs, Common Market Organisation Regulation, SMEF, EFCA, etc...)***
- ***Synergies with other policies (environment, health and safety, maritime)***

Complemented by Commission Implementing Regulation (EC) No 404/2011

167 Articles
in XI titles +
37 Annexes

The Control Regulation (EC) 1224/2009:

*"establishes a Union system for **CONTROL**, **INSPECTION** and **ENFORCEMENT** to ensure compliance with the rules of common fisheries"*

CONTROL

INSPECTION

ENFORCEMENT

Access to waters and resources

Control of fisheries

CONTROL

Control of marketing

Control programmes

Data and information

Access to waters and resources

Title III: articles 6 to 13

- ***Fishing licence***
- ***Fishing authorisation***
- ***Vessel Monitoring System (VMS): mandatory for vessels above 12m, derogations for vessels 12-15m***

Control of fisheries

❖ Control of the use of fishing opportunities

➤ Fishing logbook: for vessels >10m

- Electronic submission for vessels >12m
derogations vessels 12-15m → paper
- Paper logbook vessels 10-12m

Arts. 14-16

➤ For vessels <10m : sampling plan

➤ Landing declaration: for vessels >10m

- Electronic submission for vessels >12m in 24hs, to flag + coastal MS
derogations vessels 12-15m → paper

➤ For vessels <10m: sampling plan

Arts. 23-25

➤ Recording and exchange of data by MSs

Arts. 33-34

Control of fisheries

❖ Control of the fleet management

- Control of fishing capacity
- Certification and verification of engine power

Arts. 38-41

❖ Control of the technical measures

- Use of fishing gears
- Rules on catches below minimum conservation size
- Control of fishing restricted areas

Arts. 47-54

❖ Control of recreational fisheries

Art. 55

Control of marketing

❖ General provisions

Arts. 56-58

- Traceability: for lots of fisheries products 'from the net to the plate'

❖ Post landing activities

- First sale
- Weighing of fisheries products
- Sales notes
- Monitoring of producer organisation

Arts. 59-70

Data and information

Arts. 109-111

❖ Analysis and audit of data

- **General principles for the analysis of data**
Verification, cross checks, validation system
- **Access to data**
- **Data exchange**

❖ Official website

Arts. 114-116

- **Public part** (info for the operators)
- **Secure part** (info for competent authorities and Commission)

Control programmes

Arts 95

❖ **Specific control and inspection programmes (SCIPs)**

- Adopted by the Commission
- Implemented by MSs
- Implementation coordinated by EFCA through JDPs
- Management based on risk analysis

INSPECTION

Inspection and proceedings

Arts. 74-81

❖ General provisions

- Conduct of inspections
- Inspection report
- Electronic data base
- Union inspectors
- Inspections outside the waters of the inspecting MSs

Inspection and proceedings

❖ Infringements and their proceeding

Arts. 82-88

❖ Enhanced follow-up with regard to certain serious infringements

Art 84

ENFORCEMENT

Enforcement

❖ Sanctions

Arts. 89

administrative action or criminal proceedings in conformity with national law

Shall be effective, proportionate, dissuasive

❖ Sanctions for serious infringements

MSs to define the gravity of the infringement

Art 90

taking into account criteria such as the **nature of the damage**, its **value**, the **economic situation of the offender**, and the **extent of the infringement**, or its **repetition**

Enforcement

❖ Point system for serious infringements

Art. 92

➤ For holder of fishing licence

EU system (Reg. 404/2011)

Suspension up to permanent withdrawal of fishing licence

➤ For master of the vessels

National systems



EFCA

*Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency;
Regulation (EU) 2019/473 of the European Parliament and of the Council on the European Fisheries Control Agency (codification)*

The European Fisheries Control Agency is a European Union agency.

The agency's mission is to promote the highest common standards for control, inspection and surveillance under the CFP. Its primary role is to **organise coordination and cooperation between national control and inspection activities** so that the rules of the CFP are respected and applied effectively.

The Agency, in cooperation with the European Border and Coast Guard Agency and the European Maritime Safety Agency, each within its mandate, supports the national authorities carrying out coast guard functions.

➤ EU operations

- Operational Coordination
- Data and Systems on Fisheries Activities
- Training

➤ International operations

- Training
- IUU
- Operational Coordination
- PESCAO (Improved regional fisheries governance in western Africa)

➤ Implementation tasks

Horizontal projects and initiatives that support EFCA's operational work. (Landing Obligation, Compliance Evaluation, Union Inspectors, Common Information Sharing Environment - CISE and New technologies for Maritime Surveillance)

Revision of the FISHERIES CONTROL SYSTEM

2016-17 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**
- ✓ 20117 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)





- ✓ **Control of the landing obligation**
- ✓ **Fisheries data (availability, reliability and completeness)**
- ✓ **Enforcement rules /level playing field**
- ✓ **Complexity of rules and ambiguity of legal provisions**





EUROPEAN COMMISSION

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL
amending the EU Fisheries Control System
COM(2018) 368 of 30.5.2018**

and in particular amending:

- *Council Regulation (EC) No 1224/2009 (**Control Regulation**)*
- *Council Regulation (EC) No 768/2005 (**EFCA Regulation**)*
- *Council (EC) No 1005/2008 (**IUU Regulation**)*

PROPOSAL FOR A REVISED EU FISHERIES CONTROL SYSTEM IN A NUTSHELL



SPECIFIC AREAS

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 (traceability)

EFCA's Founding Regulation

IUU and other Acts

Clarification
Simplification
Digitisation



1. ENFORCEMENT



SANCTIONS

- All provisions in **one Regulation** (no longer split between IUU and Control regulations)
- Updated list of **per se serious infringements**
- **Harmonised 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, costal)
- **Exchange of data** on infringements and sanctions

2. DATA AVAILABILITY, QUALITY AND SHARING

VESSELS < 12 m

- Mandatory tracking, electronic logbook and reporting of catches (but with simplified system)

VESSELS > 12 m

- No more derogations

RECREATIONAL FISHERIES

- Registration/licence system to be set up at national level
- Data collection/registration on catches
- Electronic reporting on species subject to EU conservation measures



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 (30→ 5kg)
- Adaptation of the rules on the margin of tolerance



WEIGHING/TRANSPORT/SALES

- All fisheries products must be weighed at landing by a registered operator
- Specific procedures for unsorted landings
- Clarification responsibilities and accountability of operators

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

- No more sampling plans, but continuous monitoring and recording of engine power for certain vessels with active fishing gears
- Introduction of physical verification of the tonnage

4. SYNEGIES WITH ENVIRONMENTAL POLICY

LOST FISHING GEARS

- Systematic reporting of lost gears (via the logbook)



4. SYNEGIES WITH FOOD LAW

TRACEABILITY

- Build on traceability rules in EU Food Law
- Link between a lot of fishery products and landings
- Derogation for imported products is removed
- Digital system





EFCA FOUNDING REGULATION

- Objective and missions fully **aligned to the CFP, including the external dimension**
- **Geographical scope of Agency's inspection powers** no longer limited to international waters
- **Possibilities for revenues extended** to allow delegation agreements and ad-hoc grants

IUU REGULATION

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



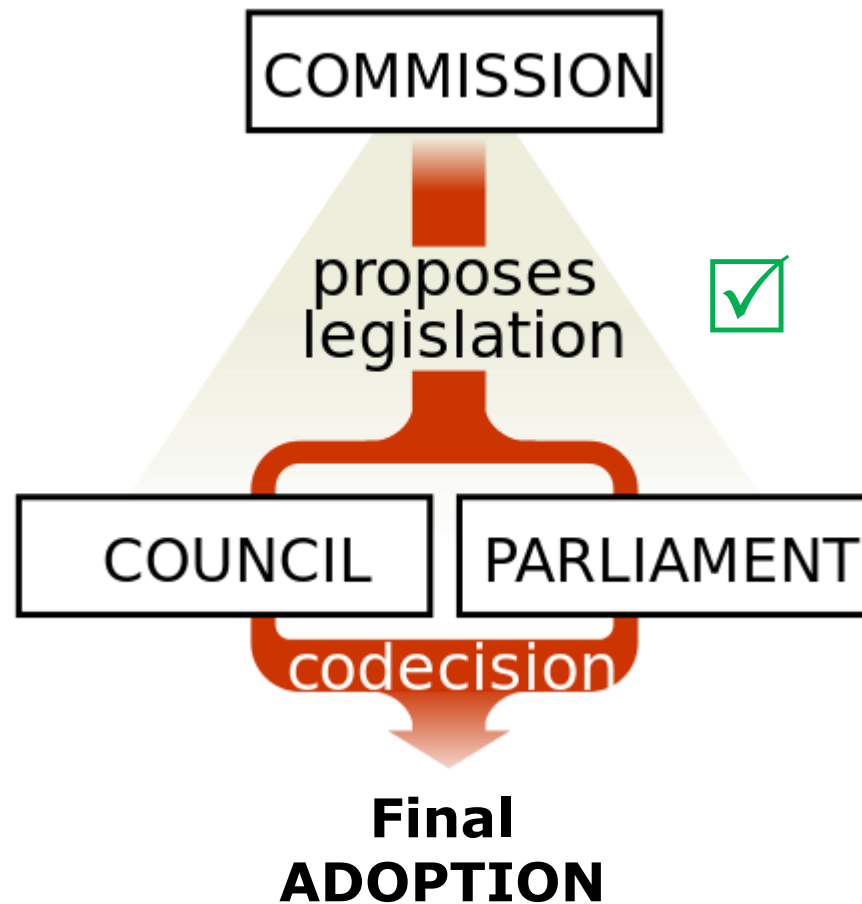
DATE OF APPLICATION

- ✓ Changes to EFCA Founding Regulation => **Immediate** after entry into force

- ✓ Other amendments:
24 months after entry into force due to:
 - ☐ Adoption of necessary secondary legislation
 - ☐ Development of ICT tools



WHAT'S NEXT?



co-decision
in progress



COMMISSION IMPLEMENTING DECISION (EU) 2018/1986 **ESTABLISHING SPECIFIC CONTROL AND INSPECTION PROGRAMMES FOR CERTAIN FISHERIES (SCIPS)**

Specific control and inspection programmes for certain fisheries in the Mediterranean Sea, Black Sea, Baltic Sea, North Sea, Western Waters of North East Atlantic.

Setting scope, objectives, priorities, management strategies, benchmarks, joint inspection and surveillance activities, exchange of data.

Implemented at national level by MSs and at regional level by EFCA through Join Deployment Plans (JDP).

SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR FISHERIES EXPLOITING ICCAT SPECIES IN THE EASTERN ATLANTIC AND THE MEDITERRANEAN SEA AND FOR CERTAIN DEMERSAL AND PELAGIC FISHERIES IN THE MEDITERRANEAN SEA

The following fisheries shall be considered:

- Fisheries (including recreational) exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean Sea;
- Fisheries (including recreational) exploiting Swordfish in the Mediterranean;
- Fisheries exploiting Albacore in the Mediterranean;
- Fisheries exploiting sardine and anchovy in the Northern and Southern Adriatic Sea;
- Fisheries exploiting European hake and deep-water rose shrimp in the Strait of Sicily;
- Fisheries exploiting deep-sea shrimps in the Levant and Ionian Sea;
- Fisheries exploiting European eel of the species *Anguilla anguilla* in Union waters of the Mediterranean;
- Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.

Thank you for your attention

