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Europêche comments on the Regulation establishing a Community control system

Introduction

The Control Regulation (EU 1224/2009) should not be considered in isolation since it is essentially concerned with the control and enforcement of other EU regulations relating to the management of the fishing industry. It ensures all rules are applied in a harmonised manner across the EU, that fishery products can be fully traced through the supply chain and that fishermen operate on a level playing field. In this way, controls are essential but should never make fishing operations less efficient or move costs from the control authorities to the industry. Rules should be simplified to make them workable and understandable to fishermen and authorities.

Articles 9 and 14 (on Vessel Monitoring System and logbooks)

When the Control Regulation was introduced in 2008, it was assumed that the digital revolution could rapidly be used to improve the quality and quantity of information available to managers. There was an increase in the amount of information that had to be recorded with little regard for the practical difficulties of recording it in difficult conditions.

These articles lay down the requirements for a vessel monitoring system (VMS) and electronic logbooks. Member States have experienced problems with data transmissions, technical problems and delays leading to POs not being able to manage quota properly and sudden closures of fisheries. The problem has been further exacerbated in certain Member States (e.g. the UK) by the refusal to make exemptions available for vessels of less than 15 metres which tend to have the most problems with data transmission.

This article reduced the margin of tolerance to 10% above or below the declared weight (fish lose weight between being caught and being landed) which becomes problematic for vessels that spend longer periods at sea. When catches are small, when you have large catches of related species (that look similar to each other) or when data has to be submitted quickly, this article poses problems and should be raised to 20%.

Articles 17 and 18 (on prior notification)

Prior notification allows the authorities to monitor landings at port. This article requires prior notification of *four* hours before landing. This measure is inappropriate for vessels which operate close to the coast. Whilst some fishermen can apply for a derogation of 2 hours, even this is still a problem and many have to wait outside port in order to comply with the rules. Therefore, prior notification of 2 hours before landing should only be applied for larger quantities of catch. Fishermen should not be forced to sit and wait in their vessels outside ports just because of small amounts of catches. For example, an amendment could be to Article 17 where this article should only apply to '*vessels over 12m **catching more than one tonne** shall notify authorities 2 hours before the estimated arrival at port.*'

Article 24 (on landing declaration data)

According to this rule, 24 hours after a fisherman (with a vessel over 12m) has landed his catch, he has to send a landing declaration to the authorities by electronic means. This is to help Member States monitor the activities of the fishing industry. For many fishermen, this rule is unnecessary and a duplication of work since the fisherman has already filled in the logbook which is verified by the authorities. Furthermore, the fishermen needs the sales notes from the auction to fill in the landing declaration, which are not always available within 24 hours, especially during busy periods. This article should therefore be deleted.

Article 26 (on monitoring of fishing effort)

Where there are limitations on effort or days at sea restrictions, the way in which the Member State defines the period of time becomes important. The practice of counting days will tend to have a negative impact upon safety and should be discontinued. In general, effort restrictions have tended to have a negative impact upon the fishing community since they encourage vessels to use gears with fewer restrictions (thus displacing effort). In addition, reducing time out at sea to make the maximum use of effort has led to vessels concentrating on those ports closest to the fishing grounds and so smaller ports have lost critical mass to support infrastructure. Effort limitations in terms of days at sea act as a driver towards maximizing efficiency. However, this may counteract other drivers like energy efficiency or gear selectivity for example.

Article 40 (on certification of engine power)

As part of the Regulation's efforts to control fleet capacity, this article requires the certification of engines. Whilst there is some correlation between capacity and engine size it is not a straightforward one since the margin of safety required is greater the further offshore the vessels go. Furthermore, there is a question of interpretation as to how de-rated engines should be treated. A more nuanced approach would be desirable.

Article 47 (on fishing gear)

The one gear rule, has been a cause of inflexibility that is inappropriate in the mixed fisheries. The loss of selectivity that this involves will have increased fish mortality and exercised a negative impact upon stock recovery. It should be up to regional bodies to decide on gears and should not be an issue for the control regulation.

Article 49 (on catch composition)

Rules relating to this article have been the cause of serious discarding but the introduction of the Omnibus Regulation (2015/812) has amended the Regulation for those species affected by the Landing Obligation. For other species it continues – and should be deleted.

Article 55 (on the Control of Recreational Fishers)

This has become a matter of increasing concern to commercial fishermen. The marketing of catches by unlicensed, recreational fishers has become a problem in many parts of the EU and it is difficult for the authorities to control. Charter vessels are also a source of unlicensed sales. The fishing mortality that these activities represent are far from negligible for some species, e.g. sea bass. The difficulties attached to controlling such activities should not be a reason why this is not addressed and national authorities should report back on this as a matter of urgency.

Article 58 (on traceability)

All fisheries products should be traceable at all stages of production. The requirements of traceability could be met if they were properly aligned with existing food safety traceability systems.

Increasing control on the illegality of fish may well be possible within existing systems and not by setting requirements that can only be met by creating new and highly advanced electronic systems. In this respect it should also be taken into consideration that creating, installing and making advanced electronic systems operational not only is costly; it also requires length of time. It makes no sense to establish complex systems for the catch sector which are not applied to the

wholesalers especially if we take into account that about 70 % of fish in EU is imported. All measures have to guarantee a level playing field with imported products.

Article 60 on weighing fisheries products

This article requires that all fishery products shall be weighed on landing, prior to the product being held in storage, transported or sold. This is to ensure that authorities have the most accurate statistics on quota. However, a fish will lose weight as soon as it is out of the water. Therefore the more frequently a fish is weighed, the more varied the results in the logbook, sales notes, auction etc. The different figures are always sources of disputes between the industry and the processing industry. Therefore, the provisions on weighing should be more flexible. The re-weighing of catches which have already been weighed and packed should be avoided since this has a huge impact on the quality of the fish. The weight from the sales notes should therefore be used as the final figure.

Articles 74 – 79 (on inspections)

It should be noted that the vast majority of inspections take place in port with only a small proportion taking place at sea. The advent of the Landing Obligation will require closer monitoring at sea to ensure that discards are not continuing to take place. Such a switch in resources is likely to prove challenging for most Member States.

Article 92 (on a points system for serious infringements)

This article requires Member States to apply a system of penalty points for serious infringements. There are different interpretations as to what constitutes '*serious*'. Some Member States punish the vessel owner with their own national rules so the vessel owner is penalised twice. We believe that penalty points should expire after a period of 3 years.

It is also unacceptable that the vessel owner is punished for infringements of the captain. It makes no sense to allocate penalty points to the vessel. We need to harmonise sanctions since they vary from one Member State to another.

More generally speaking, as the Landing Obligation is gradually extended to cover all quota species, the culture of compliance is likely to come under pressure – particularly if fisheries are closed because of choke species and livelihoods are threatened. In this instance the perceived legitimacy of the Control Regulation will be called into question.

Conclusion

The Control Regulation is just one part of a complex web of Regulations that are used to manage the fishing industry. The new CFP calls for the industry to improve catching performance through increased selectivity. Européche believes that detailed regulation at the European level is inappropriate since it takes away the flexibility that is needed to meet such objectives in the highly differentiated fisheries that characterise many Member States. It is important to state that the fishing industry are not arguing for less or no fisheries control at all but for the introduction of more regionalised management as outlined in the CFP, which would lead to a control system that is better adapted to the specific needs of both regions and sub-regions.