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Fisheries: Questions and answers on the new EU fisheries control rules

The credibility of the EU's Common Fisheries Policy (CFP) depends on an effective enforcement and application of the agreed rules.

With the adoption of detailed rules to apply the EU Fisheries Control Regulation, the reform of the EU's control and enforcement policy is now complete. The new system is made up of three pillars: the Control regulation¹; the IUU Regulation to combat illegal, unreported and unregulated fishing² (which applies to both EU and third-country vessels); and the Regulation on Fisheries Authorisations³ (which deals with the control of EU vessels fishing outside EU waters and of third country vessels fishing in EU waters).

The new rules replace a system which proved to be complex, inefficient and expensive. They make the EU control and enforcement system up-to-date, more efficient and well adapted to the challenges of the 21st century. This is all the more relevant to guarantee the respect of the new set of rules that will emerge from the upcoming reform of the Common Fisheries Policy.

Who does what in the EU fisheries control system?

Fisheries rules and control systems are agreed on at EU level, but implemented by the national authorities and inspectors of EU member states. The day-to-day enforcement of the rules is for the national authorities and the national inspectorates must monitor what gear is being used, or how many tonnes of fish are caught and then landed.

To encourage closer collaboration and exchange of best practice, the Community Fisheries Control Agency (CFCA) in Vigo, Spain, organises joint control campaigns, where inspectors from different EU countries work together.

The Commission has its own inspectors, but they do not police the fishermen. Rather, their role is to inspect 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.

¹ Council Regulation (EC) No [1224/2009](#), establishing a Community control system to ensure compliance with the rules of the CFP

² Council Regulation (EC) No [1005/2008](#) establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing

³ Council Regulation (EC) No [1006/2008](#) concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters

What are the main features of the new rules?

Towards a culture of compliance

In the past, dishonest fishermen could try to hide illegal fish away. Now, thanks to electronic tracking of all fisheries-related data and to their systematic and automatic cross-checking, making a profit from illegal landings will be much more difficult, as inconsistencies will be spotted all along the marketing chain. If someone still breaks the law, the new system provides for an adequate response, with similar sanctions in all Member States. Moreover, the new point system applying to serious infringements will be strongly dissuasive: if they cumulate too many points, fishermen lose their licence.

Simpler and more modern control rules

The Control Regulation and the new implementing rules just adopted substantially simplify the application of control rules. Such rules, insofar that they existed, were scattered across many separate regulations. They have now been consolidated into a single text and modernised at the same time. This concerns in particular rules on the conditions for access to resources (fishing licences, fishing authorisations), the marking of fishing vessels and fishing gear, the vessel monitoring system, logbooks, electronic recording and reporting system and Union inspectors.

Control from the net to the plate

The detailed rules set out in detail a new traceability system for the control of fisheries products. This traceability system translates the new approach into concrete practice. It will cover every stage in the chain that sees fish caught, landed, brought to market and sold. This system will allow inspectors to detect infringements at any stage of the supply chain - "from net to plate"!

A level playing field

The new rules provide the EU with a level playing field. This had been identified as one of the major shortcomings of the CFP. All fishermen, whatever their nationality or flag, can now ply their trade under the same conditions. Honest fishermen will not feel tempted to cheat, because offenders will no longer be allowed to get off scot-free, and there will be no preferential treatment from one country to another.

Harmonised standards for inspection activities and procedures, as well as common rules on issues such as weighing, will make for a uniform implementation of CFP rules throughout the EU. The new measures will ultimately benefit all concerned – from Member State administrations to operators in the fisheries sector and of course consumers.

The importance of risk assessment

In the face of limited control staff and a growing need for control, the new rules resort to risk assessment and risk-based strategies wherever possible. Member States have an obligation to ensure control on the basis of risk management, perform risk analyses as part of sampling plans to monitor engine power or weighing, and use risk-based methodologies for national or EU-specific control and inspection campaigns.

Engine power

An important part of the rules concern the systematic certification and check of the engine power of fishing vessels. At a time when effort reduction becomes more and more essential to sustainable management, the respect of capacity limits for vessels is crucial.

New technologies: lower costs for better results

The rules establish the necessary legal framework to generalise the use of IT technologies. The technological means already in use (vessel monitoring system for vessels above 15m and electronic reporting system for vessels above 24m) have been extended to all vessels above 12m. This will provide a common set of data which can be systematically cross-checked against each other and against data from sales notes. This extended set of data will be complemented by a systematic and automatic validation system, where all data will be gathered and checked for consistency. This will enable authorities to spot any inconsistencies hinting at unlawful behaviours, and to undertake the necessary investigations.

After the initial investments, the generalised use of IT will not only improve the quality and availability of data, which is urgently needed for sound management and proper enforcement: it will also lower the overall costs for both operators and authorities. For instance, the use of electronic logbooks, landing declarations and sales notes will save fishermen and other operators a great deal of time. In the past all these documents had to be filled in by hand and their data had to be entered manually into the data systems of the Member States.

Switching to electronic reporting will also free up much of the manpower that Member States still use for manual checks, so that more resources can be allocated to areas where the risks of wrongdoings are particularly high. Access to information will be easier for operators, for other control authorities as well as for the Commission, as Member States will have to publish these data online.

Sanctions, but also incentives

Together with the IUU Regulation, the new Control Regulation establishes a concrete formula to calculate the sanctions to apply whenever operators break the rules of the CFP.

In the past, only a few general principles were set for the determination of sanctions. The new framework provides that a sanction be established equalling at least *five times* the value of the fisheries products obtained by breaking the law; this sanction becomes at least *eight times* the value of the products obtained in case of repeated misconduct.

This new framework is complemented by a *point system*: points are assigned for serious infringements. This will help make the system of sanctions fairer, more coherent and more transparent. The point system will allow singling out recurrent offenders. When a certain number of points is reached, the fishing licence is suspended for two months. If this happens again, the licence is suspended again, but for four months this time. The third and fourth offences mean a suspension of eight and twelve months respectively. If points are cumulated a fifth time, the fishing licence is withdrawn for good.

At the same time, incentives are foreseen for good conduct: points are deleted if no serious infringement occurs within three years of the last serious infringements. Some points can also be deleted if for example the offender voluntarily uses a vessel monitoring system or an electronic recording and reporting system without being obliged to do so, or if he takes part in a scientific campaign.

Given that the same type of felony will be assigned the same number of points, wherever it is committed, this is a major step forward that should reassure fishermen that in the CFP they are all treated fairly and equally, wherever they come from and wherever they fish,

Ensuring Member States' compliance with the rules

In the past the CFP was often criticised for not being equally implemented in all Member States. The new rules set out the mechanisms and procedures which allow the Commission to better ensure enforcement of the CFP.

On top of the checks that were already foreseen in the past, the new system, enables Commission officials to carry out autonomous verifications if they presume irregularities in a Member State, or to perform a more general audit of a control system of a Member State as such. If the Commission thinks that irregularities have occurred in a Member State, it can launch an administrative inquiry in that Member State. If the inquiry fails to solve the issue, it can establish an action plan, which the Member State concerned has to implement.

To be able to exert even more pressure on incompliant Member States, the new rules link the granting of financial assistance from the EU to the full respect of CFP rules. If a Member States does not fulfil its obligations in this field, any financial assistance linked to the areas where the shortcomings occur may be suspended or even withdrawn. The suspension of financial assistance pertains to a general principle of conditionality, where Community financing is made conditional to proper application of EU rules.

If States fail to comply with multi-annual plans, the Commission can also deduct quotas for the stocks in question. Quota can also be decreased substantially in case of overfishing, thus making overfishing rules tighter than in the past.

Where and to whom do the new rules apply?

The Control Regulation applies to all fishing activities in EU waters. Hence it applies also to the fishing activities of third countries in EU waters, except where bilateral agreements exist. Furthermore, the Regulation applies to all EU vessels, irrespective of where they operate – including outside EU waters.

When do the new rules enter into force?

The Control Regulation has been in force since 1 January 2010. The detailed implementing rules just agreed will enter into force seven day after their publication in the Official Journal, which is expected in the next days.

To allow Member States the necessary time to prepare, certain measures, such as the rules on engine power control, traceability, the point system and the websites will enter into force on 1 January 2012.

More information:

http://ec.europa.eu/fisheries/cfp/control/index_en.htm