



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

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Mr. Sam Lambourn
NWWRAC
Bord Iascaigh Mhara
Crofton Road
Dun Laoghaire
Co Dublin
Ireland

Subject: NWWRAC advice on the reform of the control policy

Dear Mr Lambourn,

Thank you for your letter of 12 June 2009 concerning the proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (CFP). In response, the Commission would like to make the following remarks, with a view to explaining the overall context of the proposal and clarifying certain provisions about which the North Western Waters RAC has raised concerns.

The Commission shares the conclusions of the Court of Auditors that the current system has not produced the expected results. Our proposal is an attempt to draw lessons from the past and make the best possible use of modern technologies in order to better monitor fisheries, both as a whole and individually. The proposal addresses the current weaknesses in the management of control-related data, inappropriate follow-up of infringements by individuals and insufficient application of the Common Fisheries Policy (CFP) rules by Member States. It does so taking into account the structural overcapacity affecting the Community fleet as well as economic constraints, which both have a bearing on compliance with CFP rules.

In reference to your remark on the lack of incentive measures, the Commission considers, as a general rule, that all measures adopted under the CFP must be respected. To grant incentives for the respect of rules would be an acknowledgement that under normal circumstances not all rules must be complied with. Such incentives would, therefore, be a contradiction in themselves. Providing incentives, for example, for the use of selective gears is a management tool and must be used in that context, under a multi-annual plan.

As to the margin of tolerance in logbook catch estimates (Article 14), the Commission has tried to find a solution which, on the one hand, is practicable for the fisherman and, on the other, ensures data accuracy that eliminates the abuses of the past. The

Commission has listened carefully to the views of the industry and considers a general margin of tolerance of 10% and 8% for stocks under a multi-annual plan (as currently applied in most multi-annual plans) as a potentially feasible solution. It is clear that, in view of the need to ensure full compliance with the rules of multi-annual plans, a more accurate recording is needed for catches of stocks subject to such plans.

As regards prior notification (Article 17), in line with the new approach for a Vessel Monitoring System and the impact which different fisheries have on the resources, the scope of this provision as laid down in paragraph 1 will be modified in order to make it applicable to all vessels above 12 metres in length, thus excluding nearly 80% of the fleet. Under paragraph 4, certain categories of fishing vessels may be exempted from the prior notification obligation; this will allow for special treatment for inshore vessels. The scope of the corresponding port access authorisation (Article 20) has also been modified in the of the Commission proposal and is now limited to fishing vessels exceeding 24 metres in length overall. For fishing vessels less than 24 metres in length, port access will be automatically authorised unless an inspection is carried out by the coastal Member State following a risk assessment.

Concerning the delays in submitting the landing declaration (Article 21), the Commission has studied the views of the industry and has come to the conclusion that a difference should be made between vessels not equipped with electronic recording and reporting devices and those that have already installed them on board their vessels. For the former, a deadline of 24 hours after the completion of the landing seems appropriate, while for the latter 12 hours (instead of 6 hours in the previous version of the proposal) appears suitable. Concerning the scope of the electronic landing declaration, it has been modified to apply to all vessels above 12 metres in length as from 1 January 2012. The Commission is ready to discuss this issue further in Council.

I hope that these explanations have helped make it clear that the Commission has taken on board many concerns of the sector. Many of these amendments cater for the specific conditions in which fishing vessels operate at sea. At the same time, the use of modern technologies will also bring about efficient simplification for the sector and will ensure full respect of the rules by fishermen, which is a necessary precondition for management measures to bear fruit and benefit the fishing industry as a whole.

With respect to real-time closures by Member States (Article 43), it must be remembered that these comprise general aspects of control, for instance the monitoring of by-catches and of catches of juveniles. In the Commission's view it is therefore warranted to establish this instrument as part of the fisheries control regulation. In addition, the Commission has ensured a harmonised approach to real-time closures in this proposal, in reference to the discussion on a regulation on technical measures and the consultations with Norway. The Commission will redraft the original text to reflect this.

Yours sincerely,



Fokion Fotiadis