



12/6/2009

**Reference: COM(2008) 718 final Communication from the Commission to the European Parliament and the Council on the proposal for a Council Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy**

Dear DG Fotiadis

Following the meeting of our Executive Committee on the 21<sup>st</sup> of April last, the Members requested that I in my capacity of Chairman of the NWWRAC submit a letter to the Commission, Council and European Parliament regarding the Communication above.

This Communication which sets out the EUs proposed way forward on control and enforcement is of great importance and concern to the NWWRAC as it directly affects the day-to-day operations of those we represent.

We were happy to participate in the earlier stages of this debate and Members of the NWWRAC attended the workshop hosted by the EU Commission on the 10<sup>th</sup> of April 2008 and we submitted a lengthy opinion on the Commissions on the 5<sup>th</sup> of May last in which we underlined the fundamental importance of fostering a 'culture of compliance' within the industry and went on to strongly support the following:

- A level playing field to remove suspicions of varying levels of enforcement.
- Adopting a bottom up approach of stakeholder involvement, which is central to developing a Culture of Compliance.
- Harmonisation of sanctions and in particular the adoption of administrative sanctions
- Simplification of rules for the industry
- No restrictions on existing arrangements for quota swaps and/or reductions in existing arrangements on margins of tolerance
- Implementing rules that are capable of being complied with; present arrangements should be reviewed and those that do not meet this criterion should be removed or amended accordingly

However at the meeting on the 21st of April last, Members expressed disappointment that COM(2008)178 failed to meet the central challenge of fostering a 'culture of compliance' or to deal adequately with the above points.



For example, the starting point of the proposed new Control Regulation is that the control measures currently in force are sufficient to produce the required result only if they are fully and more widely implemented. There is no recognition that the CFP is a failed system or that current control measures have not been universally successful. Members are especially disappointed at the highly prescriptive, ‘top down’ approach which has been adopted by the Commission. The ‘bigger stick’ method of reinforcing or strengthening existing control rules is not the way to ensure that operators will accept them.

There is a complete lack of consideration of incentives or innovation to encourage change of attitudes in both the industry and the enforcers.

In particular, in spite of advice from this RAC, as well as others, to relax the margin of tolerance somewhat to the point where it is achievable in practice, the Commission has taken the opposite view and reduced it even further to 5%. There is nothing more likely to reduce the industries belief and acceptance of a control system than a regulation that cannot be achieved in practice.

Other points noted that may have serious practical implications for the EU fleet were:

- 1) The obligation to request authorization to land.
- 2) Electronic transmission of landing data within 2 hours of completion of landing.
- 3) Real time closures by Member State.

Overall, the NWWRAC believes that this proposal is a disappointing and backward looking response to the criticisms of the Court of Auditors which misses the opportunity to build compliance on the basis of a coherent and accepted body of rules through full dialogue with stakeholders. The proposal takes us no further forward in conveying greater responsibility for control and compliance to the fishing industry.

Regards



Sam Lambourn  
NWWRAC Chairman

CC: EU Council and European Parliament