



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
FISHERIES POLICY MEDITERRANEAN AND BLACK SEA
FISHERIES CONTROL AND INSPECTIONS

Brussels,
MARE/D4/JJ

Expert Group on Fisheries Control

7th June, 2017, Brussels

Meeting report

MS present: AT, BE, BG, CY, DK, DE, EE, EL, ES, FI, FR, IE, IT, LT, LV, MT, NL, PL, PT, SE, SI, UK

Chair: Ms Francesca Arena, acting Head of Unit, DG MARE unit D4

1. Approval of the agenda

The Commission (Com) welcomed the Member States (MS) to the meeting, and explained that the agenda point concerning the 'external fleet' could not be covered, and will therefore be included in the compliance group meeting (5th July).

2. Nature of the meeting

Non-public

3. List of points discussed:

3.1. Evaluation of the Control Regulation (CR)

The Com presented work to date and informed the group that confirmation had been given the previous day that an impact assessment (IA) should be launched, the first step in the anticipated revision. Timelines are not yet confirmed. The IA will take approximately one year, followed by 3 months consultation, followed by scrutiny from the board, and then the legislative drafting process should take 6 months. In total, it is anticipated that the revision would take 2.5 years approximately. The Com stated that detailed comments had been received from some MS, associated with the Council Working Party, and invited other MS to do likewise. The Com announced that there would be a compliance group meeting on the 5th July, where the revision of the CR will be discussed again, and urged the MS to prepare detailed comments in advance. The Com in particular called for MS to consider practical ways to reduce the administrative burden.

ES expressed thanks, and full agreement with the conclusions of the evaluation. In particular ES stressed that full implementation, where lacking, should be applied across all MS to ensure uniform application of the rules and fair and equitable treatment of fishermen across the EU.

EE thanked the Com for the work, recognising that it took a long time and lots of work for them to reply to the consultations in detail. EE expressed that they would like to see all their input reflected and requested to know what the Com will do with all that information provided, especially that which is not all incorporated into the report.

The Com acknowledged this and thanked the MS for providing input, highlighting that the format of MS reports allowed for different interpretations, which were not comparable (eg, 'no. of licences'). The Com assured MS that they had conducted extensive work to identify how results of the surveys to MS aligned with the audit reports, and other information at hand. The Com reminded MS that a synthesis report had been produced, and that as NGOs had called for this report to be made public, and MS agreed, it was now in the public domain. The Com assured the MS that all of the information provided will certainly be used in the revision.

SE thanked the Com for their work, and broad consultations, and confirmed their support for a revision of the CR; in particular to reduce administrative burden, and to truly ensure a level playing field. SE stated they will submit further comments in writing.

In terms of issues raised by the Court of Auditors recently finalised report on the implementation of the CR, ES expressed that the report does not reflect the status of certain aspects of their control system – eg, the conclusions regarding lack of implementation of the point system is not relevant to them.

The Com acknowledged that there had been similar remarks from other MS and informed the group that the Court of Auditors will be invited join the Compliance Group meeting in July.

Cyprus requested information regarding shortcomings in the Com regarding the implementation of the CR, and also expressed concern and disagreement with the CR evaluation in some aspects, as the administrative burden has in reality increased, not decreased with the CR.

The Com re-iterated that all MS comments would be welcomed, in particular on ways to decrease the administrative burden. The Com acknowledged that there were also shortcomings on the side of the Com and reminded the MS that to improve the situation was precisely the motivation of the reorganisation of DG MARE, and the formation of the single control unit. This is expected to have a significant benefit to control issues including ensuring an appropriate revision of the CR.

3.2. Unit D4 work programme

The Com presented the new organigram of DG MARE, implemented since January 2017, and introduced the role of unit D4 – fisheries control and inspections. The Com explained that D4 operates across all sea-basins, and covers all control issues excluding

NEAFC. The Com informed the group that Directorate C would continue to deal with control in NEAFC, as it was not possible to transfer all of the required staff to the control unit. The Com presented the objectives of the unit, and the organisation, informing the MS of the unit focal points for each MS but advising that this is subject to change as colleagues finish contracts and new colleagues join the unit. The Com presented a summary of the work programme of the unit.

Cyprus expressed appreciation that there is now a unit dedicated to control in the MS.

3.3. Sanctioning Systems of MS

The Com presented the work to date on the evaluation of MS sanction systems, and the main outcomes. The Com is giving priority to this issue, as the effectiveness of the entire control system is jeopardised if there is an ineffective sanction system. The Com summarised overall findings, and next steps, expressing that gaps in legislation identified could be considered in the anticipated revision of the CR and that additional measures vis-à-vis MS might also be considered.

3.4. SCIPS

The Com gave a summary of the issues concerning SCIPs which were under consideration by the unit. The Com recognises that the Med SCIP will expire in 2018, and there are in addition some other gaps in the coverage of SCIPs, which should be addressed, e.g. the Western Waters SCIP, recently amended, does not cover demersal species which presents issues for the EFCA and MS. The Com highlighted that there has been a lack of coherence to date, as some SCIPs have received more attention than others. The Com stated that the intention is to rectify this, and discuss the matter in further detail possibly already at the 18th July meeting of Committee for Fisheries and Aquaculture.

The Com reminded MS of the current obligation to submit their evaluation reports annually, and the need for the Com to subsequently provide a report on the findings. For MS with fisheries in several sea-basins, there is the requirement to send several reports. This may be a duplication of work which presents an unnecessary administrative burden for both the Com and the MS. The Com intends to identify, with the input of the MS and EFCA, if the 4 SCIPs could be merged into one with annexes for sea-basins, with a single reporting obligation, to ensure a more effective and streamlined system, with added flexibility to include additional or retract species as necessary (according to risk). This would have possible implications to the JDPs, which could likewise be merged into one. The Com requested feedback from the MS on this suggestion, and that MS could submit written remarks to the functional mailbox of unit D4, if possible, within 2 weeks, agreed as being from the date that the meeting report is distributed. The Com suggested that a technical group could be initiated to discuss the issue in detail.

The EFCA expressed their interest in this initiative, recognising opportunity for simplification, and that a single SCIP could be easier to manage in terms of operational aspects and assessment.

Italy expressed that reporting obligations require some information going to the Com and other to the EFCA, which is pre-programmed in their IT system and amendments could create some difficulties. Italy also expressed concern that some reports are necessary at certain times of the year for certain species, and others times of year for other species, and this would need to be respected in any amendments to the SCIPs. The Com assured the MS that this would be taken into consideration.

DK expressed that the scope of this exercise needed to be defined, and that a SCIP is not necessary for all quota species, but it should be on a risk basis for certain species as necessary. The CFP accommodates regionalisation, and this needs to be respected as it would be a waste of resources to include all MS in all conversations under a single JDP. DK urged the Com to keep this in mind, but recognised that a single SCIP could be beneficial. The Com clarified that the intention is certainly not to involve MS in all regional conversations that are not relevant to them but to provide for more flexibility in the SCIPs and JDPs operational management.

3.5. The FAO port State agreement

The Com reported that as 48 Parties have adopted and ratified the agreement, and it is this now in force, the FAO had organised the first ad-hoc meeting in Norway, which took place in the previous week. The objective of the meeting was to identify the FAO's role in the implementation – which was agreed to include training, coordination, and facilitating electronic communication between the parties. It was agreed the FAO will assume the role of facilitator of the agreement. The FAO will develop a website for parties to post reporting requirements, and exchange necessary information. Systems already developed by Regional Fisheries Management organisations (RFMOs) such as NEAFC and NAFO, will be considered in 2018 at a technical meeting if elements can be shared and utilised by other parties. The UN/CEFACT standard already adopted by the EU for electronic reporting will also be considered for adoption across all the parties. Chile will organise a meeting in 2019, and Indonesia in 2020 regarding implementation of the measures. The meeting on the review of the agreement will take place in the EU in 2020.

ES inquired if the MS will attend such technical meetings. The Com assured the MS that they will continue to be involved and that they will certainly be consulted and requested to provide technical input.

3.6. IMO numbers

IHS Maritime presented to the group the requirements regarding the issuing of IMO numbers, and in particular, the new provisions which have increased the obligation to issue IMO numbers to specific vessels and the implications for the fishing sectors.

IMO numbers have been issued since 1987, and consist of a 7 digit number preceded by letters 'IMO', issued with the aim to enhance security and reduce fraud, for certain vessel. The number remains with the vessel, even if scrapped, and should be visible on the vessel hull and visible from aircraft. 9 major RFMOs mandate the use of the IMO number.

Recently, major supermarkets are also considering its mandatory use for the fishing vessels from which they are supplied with produce.

The IMO number can improve the ability to monitor and control vessels. The CR mandates the use of the IMO number since 1st Jan 2016 for certain fishing vessels. There is minimum information required to obtain an IMO number, which is all stored on a data base, including the type of vessel (eg 'purse seiner'). The number is free to obtain, and IHS Maritime is the only body registered to issue them. The core database contains 116,000 ships.

IHS invited the Member States to coordinate IMO applications in order to facilitate the cross-checking of the reliability of the data provided, and help IHS plan the issuing of IMO numbers.

Cyprus commented that many vessels >12m have not been built in registered shipyards, and inquired if this had implications for the ability to issue an IMO number. IHS Maritime acknowledged that this is an issue, and could be dealt with by the EU, but informed the group that regardless, applications can still be dealt with without the provision of a shipyard number. The Com welcomed this flexibility.

3.7. The Landing Obligation (the LO)

The Com presented the audit series which has recently been initiated across the MS, to identify levels of implementation of the LO, and to identify best-practices and issues. The Com advised the group that as implementation was now 2.5 years in, for certain fisheries and sea-basins, that it is now an increasing priority of the Com to ensure that the LO is being implemented, including through effective control and enforcement. The Com highlighted that through the answers to the questionnaire issued to all MS in 2016, and through the participation in meetings of the regional high level groups, and those meetings organised by the EFCA, that it was clear that much effort has been made to date across MS to implement the LO. In particular, the 'last haul' initiative which many MS are involved in, in collaboration with the EFCA is highly commendable (recognised as being a useful and valuable tool for monitoring discard rates in certain fisheries by other bodies, including STECF), and has credibly identified a lack of compliance in certain fisheries and sea-basins. However, the Com expressed that there was significant concern that in general, effective control and enforcement is lacking in the MS. Despite strong indications of non-compliance, the traditional control means applied (inspection) are mostly unable to confirm infringements and ensure enforcement of this particular policy. The Com advised the group that regardless of a lack of agreement to date for the application of particular control means, and the need for a 'level playing field' in which the fleets of certain MS are not controlled more than those of another MS, it remained the responsibility of the MS to effectively control and enforce the LO.

A discussion followed, in which DK suggested that it is premature to state that the MS need to make more effort, especially with such a complex policy, and perhaps the issue was not that the MS were not compliant with the need to implement the LO, and are doing all they can, but that it is simply that the industry is non-compliant. The Com recognised that many MS authorities have been facilitating the introduction of the LO,

but stated that it remains for the MS to make sure that the CFP provisions are effectively enforced.

The Com advised the group that there was strong evidence produced by the CCTV trials of certain MS, that this was a technology proven to be effective in the control and enforcement of the LO in certain fisheries. And, if applied on a risk basis, could certainly prove to ensure the levels of control and enforcement necessary.

DE agreed that there were significant indications of non-compliance in the Baltic Sea and that it was necessary to identify the next steps and establish effective means of enforcement. SE re-iterated the same sentiment and supported the Com conclusions as regards effective control measures such as CCTV.

Italy advised the group that in the Mediterranean Sea, with the fleets of mostly small vessels, the use of CCTV or similar technology was not appropriate and other solutions would need to be identified.

ES stated that they have attributed much effort to facilitating implementation by conducting high survivability studies, and that the Com needed to be more flexible and make more effort in the adoption of discard plans.

The Com stated that they have made significant efforts to offer flexibility through derogations and exemptions of the discard plans, and were working through consultations with the MS, to anticipate where choke situations would arise in order to proactively identify solutions. The Com reminded the MS that this collaboration would continue, for example at the workshop on the LO to be hosted by the Com in the autumn 2017.

Cyprus agreed that the use of CCTV had much potential, but reported that data protection issues and privacy was a significant obstacle to advancing in this area. Cyprus requested the Com to provide guidance on this. PT reported that they had overcome data protection issues through the notification of the data protection authority of PT that the data collected from drones would be limited for use in fisheries control.

3.8. EMFF – control funds, including for use in implementation of the LO

The Com presented the background to the EMFF, and that the fund totalled 6.4 billion euros, with 580 million ear-marked to control for 2014 – 2020 programming period. The Com recognises that the LO is an area that requires support from this fund MS allocated money through the Operational Programmes, which include the programming of earmarked funds for control, but only a small proportion is so far selected for support. MS are now submitting Annual Implementation Reports (end of May) on the utilisation of EMFF funds under the OPs as well as on the fulfilment of Ex-ante Conditionalities. The Com urged the MS to liaise with the managing authorities in their MS to establish how this budget can be accessed and the execution improved, in particular funds available for fisheries control.

The Com reiterated that the EMFF is available to support implementation and control of the LO, and highlighted the relevant provisions of the EMFF could be applied (such as

those relating to marketing measures, storage of unwanted catch, training of inspectors, the purchasing of control platforms and projects to develop more selective gears, etc.).

3.9. CIRCABC

The Com informed the MS that letters have been sent to all MS concerned under the discard plans, to request they submit lacking information to the CIRCABC 'European Commission secure website'.

Cyprus inquired if all MS had access to the part of the website dedicated to those vessels covered by the LO. The Com explained that MS have read access to the information of the other MS on this part of the website. There was some confusion expressed by the MS, if the website was the same as covered by the CR provisions relating to requirements to report to a 'MS secure part of the website'. The Com agreed to clarify internally, to identify links with other reporting requirements concerning the 'secure part of the website'.

3.10. Compliance expert group (5th July)

The Com welcomed suggestions from the MS for agenda points. The Com stated that it is intended that points to be covered will include the revision of the Control Regulation, the Court of Auditors' report on the implementation of the Control Regulation, the IUU catch documentation scheme and the control of the external fleet.

3.11. Any Other Business

The Com gave a summary of the objectives and status of two studies which it is managing in collaboration with EASME, relating to control;

1. Small scale fisheries – the call for tender was recently launched and will be open until 9th August. The objective is to establish an approach for electronic monitoring of the small scale fleet, and to identify best practices. Outcomes are anticipated to inform the expected revision of the CR.
2. Engine power – The call for tender was open for 2 months and closed at the end of May. Unfortunately no tenders were received, therefore it is expected that EASME will re-open the call. The objective is to provide information to the Com regarding the actions taken by the MS to control engine power (in accordance with Art 41.1 of the CR). The study will include a sample of physical verifications in the MS to establish if certified engine power matches actual engine power. The Com will coordinate contact between the contractor and the MS.