

EUROPEAN COMMISSION IMPACT ASSESSMENT BOARD

Brussels, 2 3 NOV. 2009 D(2009)

Opinion

Title

Impact Assessment on: Proposal for a Council Regulation establishing a long-term plan for the salmon stock in the Baltic Sea and the fisheries exploiting the stock

(Draft version of 04 November 2009; Re-submission)

Lead DG

DG MARE

1) Impact Assessment Board Opinion

(A) Context

Baltic salmon was previously managed by the International Baltic Sea Fisheries Commission (IBSFC). The IBSFC Salmon Action Plan (SAP) was agreed for the period 1997-2010. The IBSFC ceased to exist in 2006. Currently, salmon is managed by the EU through the (i) annual marine total allowed catch (TAC), (ii) quota setting and (iii) closed seasons. According to the SAP, Member States implement national measures in their rivers. The Habitats Directive (HD) protects salmon (salmo salar) in freshwater, but is not applicable to salmon in the marine environment. The Water Framework Directive (WFD) identifies the Baltic Sea as a protected 'Ecoregion for transitional waters and coastal waters'. The 'EU Strategy of the Baltic Sea Region' underlines that the fishing fleet should be in balance with available resources and refers in this respect to the measures under the HELCOM Baltic Sea Action Plan.

(B) Positive aspects

The report now provides a comprehensive and dynamic baseline scenario, and background information on the underlying problems and situation of the sector. The regulatory framework and policy context of the initiative are well described, and the scope of the initiative is clearly defined and distinguished from existing actions. The results of the current SAP are analysed and integrated into the development of the options. The presentation and specification of the options has considerably improved.

The Board appreciates DG MARE's commitment to up-date this IA report on the basis of the results of the STECF plenary session of 11 November 2009 if the recommendations deviate from the advice on which the report is based.

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(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

General recommendation: The impact assessment has been significantly improved on the basis of the Board's recommendations in its first opinion. It should nevertheless be clearer on the application of the subsidiarity principle and the definition of the level of implementation for issues falling under exclusive EU competence. Economic and social impacts, including on administrative burden, should as far as possible be quantified and the reasons for discarding the option of an overall TAC should be better explained.

- (1) Clarify the application of the subsidiarity principle and the definition of the level of implementation under exclusive competence for the different sub-options. While additional information on the decision and implementation level (EU/MS) has been provided, the report should try to make clearer what measures fall under the exclusive competence of the EU and will thus become a binding part of the management plan. Those measures which leave the decision on the 'if and what is done' to the Member States, and for which the management plan will only provide a non-binding recommendation, should be clearly indicated.
- (2) Analyse economic and social impacts more fully, including on administrative burden, and quantify them where possible. Further explain why an overall TAC is discarded. The report should attempt to further quantify expected key economic and social impacts (e.g. on the rearing industry, p. 27 and administrative burden) or explain why quantification is not possible or proportionate. If the impacts on administrative burden are significant the Standard Cost Model (SMC) should be used. In section 5.2 the report should explain better why an overall TAC is discarded while it is expected to be more effective than the marine TAC approach. The report should also further justify why in this regard the scientific advice of the STECF is not followed. The conclusion on the TAC approach in table 7 on page 39 should be aligned with the analysis presented.

(D) Procedure and presentation

The high-level policy change options presented in summary table 3 should be explicitly assessed against the baseline scenario/no EU management plan (thus no +/- qualifications for option 1). Also for the comparison table 7 the report should clarify that the assessment of impacts for the identified measures is made relative to the baseline scenario. The presentation of the report could be improved with a further editorial check. The report should be clearer about the relevance and probability of certain issues, by avoiding vague formulations such as 'some' and 'might'. The length of the main text should be brought closer to the recommended 30 pages maximum.

2) IAB scrutiny process

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External expertise used	No
Date of Board Meeting	WP
Date of adoption of Opinion	2 3 NOV. 2009 The present opinion concerns a re-submitted draft IA report. The first opinion was issued on 17 July 2009.