



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

Brussels,
MARE/D4/ET

Expert Group on Fisheries Control

6th November, 2017, Brussels

Meeting report

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

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

1. Approval of the agenda

The Commission (Com) organised an expert group meeting on Fisheries Control to gather Member States' (MSs) views on the Commission's initiative to revise the Fisheries Control System.

2. Nature of the meeting

Non-public

3. List of points discussed:

3.1 Purpose of Consultation

The Com presented the general objective of the revision of the Fisheries Control System, that is, to simplify it, to make it more effective and efficient, as well as to ensure full compliance with the Common Fisheries Policy (CFP). The Com informed the Expert Group of the overall aim to adopt the proposal by the end of April 2018. Hence the need for consultations with stakeholders in autumn 2017, which are preliminary to any proposal of the Com, therein informing the impact assessment (IA) and the final proposal. The latter is aimed at being finalised by the end of February 2018. The Com presented the specific objectives of the revision's exercise, as to remove the obstacles that lead to different implementations of provisions by MSs, to simplify the current legislative framework, to improve the availability, the reliability and the completeness of fisheries data and information, to bridge the gaps with the reformed CFP, to enhance the coordination amongst MSs, the Com and EFCA, and to align EFCA's mission and tasks with recent developments in CFP.

The Com introduced the overall objective of the consultation, that is, to gather MS' views on three proposed policy options. MS were also invited to express their opinions on certain specific actions that could be envisaged in Options 2 and 3. More specifically, the discussion included whether MS agreed with the description of issues at stake, whether they agreed with suggested actions to address such issues and whether they had any additional revised actions they wanted to propose that should be envisaged and/or that would not be adequate to achieve the overall objectives of the exercise.

Option 1 was described as providing no policy change, envisaging the continuation of the current policy and calling for a mere focus on the implementation and enforcement of the existing framework. Option 1 was explained to have been taken as baseline to assess the impacts of other proposed policy options.

Option 2 was presented as encompassing an amendment of the Fisheries Control Regulation, in order to: 1) increase effectiveness and coherence of rules, in particular with regard to sanctions and point system, follow up of infringements, data exchange and data sharing, traceability, recreational fisheries, monitoring and catch reporting tools for vessels below 12 metres; 2) simplify the current legislative framework, including by clarifying provisions prone to different interpretations that resulted in problematic and uneven implementation and by addressing the numerous derogations; 3) bridge the gaps with CFP, in particular with the landing obligation; 4) promote the use of harmonised and/or interoperable (at national level) IT tools; 5) increase synergies with other policies, notably the fight against Illegal, Unreported and Unregulated (IUU) fishing, environment, markets and security; and 6) align the text with the Lisbon Treaty.

Option 3 was discussed as providing for an amendment of the Fisheries Control System. Such option was defined as including all the elements indicated in Option 2, as well as any related amendments of specific provisions in relevant legislations (e.g. IUU Regulation) and an amendment of EFCA Founding Regulation.

3.2 Enforcement Rules

The Com stressed the lack of consistency and effectiveness of national sanctions for infringements of the CFP rules, as well as the complexity of the overall enforcement system, which leads to confusion on its application, and the lack of even criteria for applications of serious infringements by MS.

The Com introduced Policy Option 2-related suggestions of specific actions to amend the CR in order to clarify the current enforcement rules (Title VIII) and ease and improve information exchange amongst MS involved in case of infringements (Coastal State, Flag State, MSs whom nationals committed infringements): to lay down unequivocal criteria to define the gravity of the infringements; to clarify and revise the current CR obligations to apply immediate enforcement measures (or preventive measures) in case of serious infringements; to maintain the common list of points to be attributed for serious infringements (which already exists); to clarify that points must apply in addition to the main sanction(s); to establish common/minimum rules for the masters' point system; to establish an EU system to exchange data on infringements and sanctions in cooperation with EFCA and the MSs, as per European Court of Auditors' (ECA) request; to digitalise

inspection reports through the use of an Electronic Inspection Report System, as per ECA request.

The Com listed the additional suggested actions that would be introduced, should Policy Option 3 be put forward, highlighting the need to amend the IUU Regulation to clarify, simplify and streamline the current rules and to move enforcements rules from the IUU Regulation to the CR to ensure one single enforcement system. In addition to the suggested actions introduced with Policy Option 2, Policy Option 3 suggests: establishing a common list of definitions of serious infringements of the CFP by ensuring EU international obligations in this respect; introducing the obligation to treat infringements of CFP under administrative law (not excluding criminal law); introducing more harmonised rules on administrative sanctions for infringements of the CFP rules either by setting at EU level types and ranges of sanctions (e.g. in monetary terms or as percentage of economic revenue/benefit from infringement, percentage of value of the illegal catches) or by obliging MSs to set national sanctions, including their ranges, in accordance to clear benchmarks or minimum levels set in EU rules; defining concepts such as "economic benefit from the infringement" or "value of the prejudice to the fishing resources and the marine environment".

DE expressed preference towards Policy Option 3, as there are different deficiencies in CR and the Control Implementing Regulation. DE also mentioned the need to integrate IUU in the common EU system. However, DE mentioned how a full integration for all MS would be difficult to put in place, whereas having common grounds within the EU would be useful.

ES echoed Germany in their preference for Policy Option 3. ES shared their preference to have something practical and not too defined for enforcement, and highlighted interlinks between traceability and IUU policy.

IE asked whether it was correct to read Policy Option 2 as comitology and Policy Option 3 as codecision. IE echoed Germany in mentioning how enforcement-related proposals touch upon national competencies that could lead to difficulties, and informed the expert group about the fact that IE is one of the MS prosecuting CFP infringements through criminal sanctions. IE called for a clearer definition between problems related to coastal and flag states. IE also stressed how the criteria set out in Art.90 on serious infringements are not criteria and would require consideration.

BE was in favour of Policy Option 3, calling for the revision of the IUU regulation and possibly of the EFCA Founding Regulation. As regards enforcement, BE echoed Germany as it is within the competencies of MS to prosecute infringements.

NL mentioned the need for improvements with regard to IUU Regulation and EFCA mandate (Option 3), and asked whether there was a legal basis for administrative sanctions, or if it were part of national competence solely.

LT told the Expert Group of the need to include social partners in consultations, as well as for extensive discussions with experts, following which LT will make a decision and provide recommendations. LT also mentioned the political nature of choosing among

proposed options at this stage, and confessed that LT was not in the right place to do so. LT lastly expressed the need to look at the changes of CR as evolution and not revolution.

FR was in favour of Policy Option 2 with one part of Policy Option 3 regarding the revision of the IUU Regulation with regard to e-catch certificates database. As regards enforcement rules, FR was in favour of clarifications in order to improve harmonisation and points system, and stressed the need to take into account the fact that treatment of infringements and the definition of sanctions are part of MS' competences.

PL supported Policy Option 3.

DK mentioned how Policy Option 1 should not be regarded as an option, and expressed preliminary preference for Option 3, while calling for a stable development rather than a radical change. Regarding enforcement, DK defined it to be a difficult issue, as sanctions are a matter of national competence, thereby stressing the need to maintain such principle as mentioned in Art.3 of the IUU Regulation, which is also reflected in the ECA's conclusions. DK highlighted the importance to look at digitalisation positively, and mentioned how premature it was to decide on data exchange at that stage given the need to take into account national rules on data treatment and confidentiality.

SE was in favour of Policy Option 3, and agreed with the definition of the infringement problem. SE echoed DE and PL in the fact that there might be issues regarding national legislations and the challenges that may derive from them. SE asked for scrutiny reservation at that stage.

FI defined the current control system as very complex, and called for an evolution rather than a revolution. As per the different applications of sanctions and control systems in different countries, FI brought up the differences in systems and stocks among MS.

EE called for the need for a feasibility study, as well as for an even point system in the EU. EE mentioned how sanctions are to be defined at national level, and the need to establish exact description of fishing licence infringements. EE said how the definition of infringements is different amongst countries, and that this was also due to different legal systems. EE mentioned how the conditions of enforcements regarding fisheries are part of environmental and civil law in EE, stressing the impossibility to discern those and the need to keep certain restrictions in mind.

MT agreed with Policy Option 3, and defined the tight timeframe as the only problem to subsist. Regarding enforcement, MT mentioned how it is currently based on criminal sanctions, but showed interest in exploring possibilities to enlarge it to administrative law. Lastly, MT highlighted the presence of serious limitations embedded in MS constitutions, and that those should be taken into consideration before going forward.

The Com clarified that in an area of exclusive competence, fishermen should be treated in a harmonised way, which does not mean equal mandatory sanction but that a similar consequence is attributed to an infringement. The Com also added that in principle there

is no legal impediment to further harmonise administrative sanctions and reassured that procedural law will remain national.

3.3 Data: availability, quality and sharing

3.3.1 Reporting and tracking for vessels < 12 m

The Com defined the current issue with reporting and tracking for vessels smaller than 12 metres in finding its root onto the impossibility to monitor and control their fishing activities and catches efficiently. As a result, the Com suggested amending CR to extend monitoring and reporting of catches to all vessels. More specifically: all vessels are monitored and report electronically their catches, irrespective of their size; for vessels below 12 metres, an easy and cost-effective solution is to be applied (e.g. IOT, cellular/3G, application – as already in place and/or tested in several MS).

DE briefly mentioned a current national project to design an app that could provide for a solution to reporting and tracking for vessels smaller than 12 metres. This system was developed to overcome the difficulties of monitoring vessels < 15 metres fishing for Western Baltic cod in waters shallower than 20 metres.

ES expressed interest in knowing more about DE's pilot project, and was in favour of such possible smartphone app solution as VMS for small vessels is very expensive.

NL briefly introduced a national piloting app project for vessels under 12 metres (eLight) which allows for ERS without paper logbook and facilitates reporting within 24 hours from landing. NL was also in favour of an electronic-only reporting solution.

FR was in favour of electronic reporting as it is the only cost-effective solution. FR is also working on developing an app in order to simplify catch reporting for vessels smaller than 10 metres.

CY highlighted the need for such data to be collected. CY also said that whatever solution to be envisaged has to be applicable (i.e. simple and gradually implemented).

EE emphasised that MS are responsible for quota uptake, as well as the fact that different MS have different segments and not all segments vessel below 10 metres have dedicated solutions. EE also mentioned the presence of different possibilities to submit data, and the definition of a smartphone app is a matter of MS' solely. EE supported the definition of solutions for the indicated issue, but EE would not like to see common templates and common rules applied.

IE expressed willingness to explore solutions for this specific policy area and called for the need to align them with other legislative procedures (i.e. environmental legislation Natura 2000), in particular with regard to data monitoring position and catch, as well as monitoring effort.

DK found the wording of the policy proposal too general, and called the attention on certain measures already in place. DK expressed the need for further initiatives for different areas based upon specific analyses on the need and cost-benefit ratios. DK expressed interest in exploring DE's proposal.

FI mentioned that the number of Finnish small vessels is greater than the one of bigger vessels. However, the number of catches by small vessels is deemed as "insignificant". FI will follow projects defined by other countries and see whether they are applicable to FI as well.

SE echoed IE's comment on data. SE called for solution to lead to a level playing field within the industry and at EU level. With increasing IAS, there is the need for better accuracy of data. A solution other than VMS needs to be envisaged, and IAS should be looked into. SE is for the request of reporting for all vessels below 12 metres.

NL said that the Dutch eLight initiative allows for registering data. ELight is not currently in use on mobile phones, but it allows fishermen to register data after landing. Such initiative could work without the need for logbooks. NL expressed a shared willingness among small scale fishermen with vessels below 12 metres to register data in the new web-based system.

3.3.2 Control of recreational fisheries

The Com stressed the lack of control measures for recreational fisheries despite their possible significant impact on fish resource. For this reason, the Com suggested to amend the CR introducing fishing licences, vessels registers and reporting of catches for certain types of recreational fisheries. More specifically: all stocks and species subject to recovery plans, multiannual management plans, and to the landing obligation (i.e. TACs/quotas and species listed in Annex III of the Med Regulation) are subject to a fishing licence and electronic reporting of the catches (easy and cost-effective system as for vessels smaller than 12 metres); all vessels used for recreational fishing are registered; further control measures can be applied at national/regional level.

FI confessed the issue being very sensitive in the country, as fishing is one of the most popular hobbies across Finland, with on average at least one recreational fisherman in every Finnish family and overall more than half a million recreational fishermen in the maritime coast of Finland. Proposing an EU control measure would undermine EU's legitimacy in the country. FI defined more reasonable to first collect data on true effects and then plan policy options.

ES called for the need to include recreational fisheries in CR, albeit any issue such decision may raise.

NL defined the inclusion of recreational fisheries in CR to be "tricky". Since such inclusion would be difficult and time-consuming, NL does not support the proposed specific actions. Should there be evident direct consequences for fisheries, NL expressed the need to have control measures at national level. NL is overall not in favour of strengthening status quo, but would be open to do so only for some species.

DE said that when it comes to normal skippers and fishermen, DE would be against controlling all these thousands of fishermen which are not covered by the CR yet. However, DE would be open to further harmonised control measures if justified by scientists' recommendations (i.e. Baltic cod or sea-bass).

EE supported current Regulation (Art.55). When there is significant impact, recreational fisheries should be regulated and MS should take some measures to protect stocks. EE introduced a mobile phone payment possibility in which there is compulsory data submission. All recreational fishermen who have more powerful fishing gears have to submit data. EE echoed DE and FI on the need to be cautious.

FR defined the subject as being complicated. Recreational fisheries represent thousands of vessels, so the impact is deemed by FR to be real. However, FR mentioned difficulties to define a model that could be applicable to all species in all MS. FR called for reinforcements on electronic reporting, as well as management measures to be justified and effective. Thus the need to apply a risk assessment approach with specific focus on certain species. FR defined a more regional approach to be more ideal for recreational fisheries.

SE said that the management of recreational fisheries should be dealt at national level, and the same should be done for implementing control measures. SE defined recreational fisheries as a MS national concern.

DK found the wording on the proposal to be quite "far reaching". DK echoed DE's approach, implying that should there be a risk assessment and scientific recommendation, EU and MS to act accordingly, therein warning about the introduction of proposed suggested actions which could lead to misconception. DK also mentioned the presence of licence schemes for some of recreational fisheries already in place.

The Com called for the consideration of the fact that without defined control measures on recreational fisheries, it would be hard for scientists or other professionals to provide recommendation, due to definite lack of control data. The Com also added that based on the interventions made, it seems that the pool of participants is extremely high, thus casting doubts as to the lower impact of these fisheries.

CY said that in Cyprus recreational fisheries is under a licence scheme for which terms and conditions apply (such as to the number of days of fishing allowed, the gear used, the total amount of fish allowed per excursion etc). Moreover there is a limitation to the species allowed to be targeted/fished (i.e. species under a recovery plan are not to be targeted).

NL stressed the presence of specific endangered species in the regulation, and called for the need to monitor recreational fisheries first before making changes to the regulation. NL echoed DE.

3.3.3 Weighing, transport and sales

The Com mentioned how existing provisions related to post landing activities do not ensure that each quantity of each species landed are correctly accounted for by weighing and that the results are always recorded in mandatory catch registration documents. The Com stressed how this practice jeopardises quota uptake monitoring (hence the sustainability of the stocks), undermining the legality of the fishing activities and subsequent data analysis. For this reason, the Com proposed to possibly amend CR to revoke exemptions that undermine the accurate weighing and registration of each

quantity of each species landed or transported. More specifically: each quantity of each species landed is weighed on approved systems, recorded in weighing records; all weighing activities are conducted by authorised/permited "registered weighers" and that the results of weighing are used to complete landing declaration and transport documents. All quantities sold/dispensed for private consumption, to non-registered buyers, are recorded in landing declarations; weighing of primary, bulk weighing of unsorted landings of small pelagic species for human consumption and industrial species can follow a two-step procedure (weighing of all unsorted catches immediately at landing followed by a secondary weighing to account for each quantity of each species of by-catch present. For small pelagic species this may entail weighing after transport and sorting at the receiving premises. For industrial landings this shall entail sample weighing, immediately at landing, according to a Commission approved sampling plan); to require that MS conduct a documented annual review of weighing practices and shall, as necessary, introduce additional measures to ensure that each quantity of each species is accurately accounted for by weighing; to clarify responsibilities and accountability of operators at all process stages; to simplify the reporting procedure of documents from operators to competent authorities (flag state, state of landing, state of sale); to impose registration of post-landing operators (same register used in the food law – thus also increasing synergies with food law and reducing the administrative burden).

SE refrained from giving comments at that stage, considering the short time to review the material and the details of such proposed specific actions.

DE called for the need to have a rational equilibrium between the necessity to control every landing and the feasibility of doing so effectively. For large pelagic landing, it would be possible to do so in sampling. DE echoed SE on the need to further revise the proposition.

DK started off by stressing the need to distinguish sorted and unsorted landings: the former already has rules in place that provide for accurate registration of catches; for the latter sampling at landing should be possible. DK called for revised rules on the margin of tolerance for logbooks for unsorted landings. DK said that the vessels' master should be responsible of providing data in transport documents, and not the driver.

ES echoed DK in having the owner of the vessel to certificate transport.

NL highlighted the difficulty to have weighing after transport from a control point of view.

FR called for simplification of weighing rules with overall exemptions, and for removal of the possibility to weigh after transport. FR defined the introduction of further rules on this topic as unnecessary, and mentioned how the issue of simplifying the transport document is not tackled in the proposal. FR said that the transport document does not have added value as it merely includes information already present in other documents. FR called for the introduction of transport documents only for specific transports.

LV stressed difficulties of weighing fish, mainly pelagic species, due to large quantities of water and ice they hold.

BE asked for keeping art. 61 as it is. BE called for sorting and weighing to be done at auction level and related figures to be used in the landing declaration.

FI echoed DE and BE as current rules are working well, and called for the need for further discussion on margins of tolerance.

EE mentioned how necessary it is to implement a sampling system, as current weighing machines are incapable of separating different species (e.g. herring and sprat). Different documents require for several weighing, and EE called for the need to carry out the weighing before fish is sold and taken over by third parties. No weighing should take place after transport only in case of exceptions.. EE also stressed how the presence of water in fish differs over time, and said that landing declaration needs to be filled in by exact kilograms.

IE told the Expert Group about the complexity of Art.60 and 61, and called for a clearer definition for the role of transport documents, and praised the benefits of creating an electronic version of it. Regarding the weighing of small pelagic species, IE raised attention on weighing them once only and correctly. Small pelagic species are to be weighed at landing, although raising the issue of water holding. IE echoed NL on the need to rephrase the proposal, and to leave aside the distinction between industrial and human consumption.

CY agreed with point 3 and 6 of the proposal, and with regard to point 7 expressed how the system is already simplified, calling for the design and implementation of realistic and proportional solutions that would limit administrative burden.

ES raised the need for change in Art.60, and emphasised additional complications that may arise for long distance fleets.

The Com defined this chapter as encompassing some complexity, and stressed it being one of the key sections for the accuracy of data as they inform catch reporting. The Com understood the general feeling of current provisions being too complex and implying too many derogations, and called the Expert Group to find a commonly agreed way to simplify current rules, whilst making sure that catch reporting is more accurate.

3.3.4 Monitoring of the fishing capacity

The Com defined current provisions on physical verification of the engine power as ineffective in detecting differences between the real and the certified engine power. As a result, the Com warned about the risk that vessels with manipulated engines may exceed the engine power specified in their fishing licences and that MS may exceed their capacity ceilings as set in the CFP. Hence, the Com suggested amending the CR to mandate continuous monitoring and transmission of the maximum power developed by the engines when the vessels are active. More specifically: for vessels > 120 kW using active gears, to mandate a continuous monitoring system and transmission of the maximum power developed by the engines when the vessels are active; to store information on engine power in a black box and/or sent to the competent authorities by automatic means (the information must also be directly accessible to the authorities when

they are conducting an inspection at sea); to develop procedures that include how to act in case of system failures.

DE did not see the necessity to amend provisions on engine power, and voiced possible support on provisions that are applicable in all MS for vessels > 221 kW, considering that it is important only under effort regime. However, there is also the need to harmonise measures for vessels > 221 kW.

The Com responded that there are rules on engine power, stating the need to measure engine powers to comply with ceiling capacities in Annex 2 of the CFP.

EE mentioned that engine power is a completely new item to the country, and compared to the current regulation, the suggested specific actions would change all the national system. EE continued by stating that at this stage, ceilings are not given by maximum engine power, but it is more regulated by maximum continued engine power: this cannot be estimated in real time, but it would necessitate to be measured at check-up points or classification centres. EE also mentioned how pollution could alter correct and actual measurements.

NL affirmed that it would be difficult to develop a continuous monitoring system, and how difficult it could be for it to be accessible to all MS. NL has developed a black box solution for plaice.

3.3.5 Data management and sharing at EU level

The Com highlighted major shortcomings in the exchange of fisheries data between MSs, and limited access of the Com to disaggregated fisheries data, resulting in difficulties for the Com to assess the accuracy of the MS' catch reporting. For this reason, the Com suggested amending the CR to complete the digitalisation of the data system, and enhance availability and data exchange. More specifically: to complete the digitalisation of the control data system (e.g. electronic reporting of the vessels smaller than 12 metres); to establish an EU-Fisheries Control Data Centre (FCDC) for an integrated European information system for fisheries management.

DE called for the Com to have a "mirror-like" system to receive data, whilst maintaining national data centres. DE foresees the amended Regulation to display details on possibilities for cross-checks.

IE supported efforts on data access. IE also mentioned the presence of two distinct issues: data access and sharing with MS, and data access to the Com. The former encompasses issues in sharing entitlements (e.g. fishing licences/authorisations), more than fishing activities. The latter requires greater clarification in EU legislation as per what needs to be shared. As regards fishing data, IE raised concerns regarding the ability to change fishing data on logbook last minute after leaving Irish waters. IE suggested for the data centre to be called EU Fisheries Data Centre (FDC) as control activities is merely borne by MS. IE reiterated that authorisations to conduct certain fishing activity is what actually leads to issues, that is, whether those that are conducting fishing activities are entitled to do so.

DK was sceptical towards the proposal for a FDC, raising concerns over the possibility for such system to lead to other authorities decide on how to interpret MS data.

3.4 Control of the Landing Obligation

The Com defined conventional controls, such as inspections at landing and boarding at sea, as ineffective to control and to enforce compliance of the landing obligation. The Com went on explaining that in the current system, there is no legislative basis requiring the use of remote electronic monitoring tools (e.g. CCTV), widely recognised as the most effective means to promote compliance with and control and enforce the landing obligation at sea. The Com also confessed that MS are unwilling to install those systems on-board of their fishing vessels in absence of any regional consensus on the harmonised use of CCTV across all MS. For these reasons, the Com suggested amending the CR to require the use of remote electronic monitoring tools, including CCTV, on individual vessels and fleet segments according to risk management. More specifically: 100 percent coverage of those vessels with an inherent highest risk of non-compliance and those with the potential to discard high quantities of fish in a short period of time (factory vessels, freezer vessels, refrigerated seawater tank vessels, vessels otherwise equipped to pump fish in bulk); for the remaining vessels coverage levels should be determined per fleet segment in accordance with the regional risk assessment and in cooperation with EFCA; within the fleet segments determined as the highest risk, MS should determine which individual vessels to be equipped with CCTV on a dynamic basis, according to risk, and MS should annually compare reference data such as the catch composition reported from those vessels which are equipped and those which are unequipped with CCTV, within a certain fleet segment, and incorporate the results of such analyses into the risk assessment.

DE mentioned current work on identifying high risk fisheries in the Scheveningen grasp. DE said that the absence of any regional consensus has become more of a problem at the moment. DE was willing to use CCTV on identified vessels and pelagic freezers, also just for a small amount of vessels to get experience, but called for regional organisation-led understanding to conduct such exercise.

CY raised concerns over related personal data issues, which would need to be cleared out at national level.

IE is overall supportive towards the suggested specific actions as long as there is access to data for the coastal state. Regarding the proposal, IE mentioned how specific action n°1 is about pelagic vessels solely, and called for a wider approach also encompassing demersal vessels. By recalling previous attempts, IE called for an EU-led push on finding solutions that could put forward a clearer and applicable control of the landing obligation.

NL echoed Germany on CCTV, and called for the Com to introduce reference to compliance on the suggested specific actions.

SE agreed on the description of the issue at stake, and asked for more time to analyse the proposed actions as there are legal and technical issues to be considered.

DK echoed SE on the description of the problem. At present, DK is discussing the suggested specific actions internally and exploring various options. If CCTV is to be introduced, it should be on the basis of ensuring a level playing field, and its coverage should be based on risk assessment.

FI supported the idea of regionalisation in control policies in general. FI would not like to have a provision to introduce CCTV in the Northern Baltics for pelagic fishing, and would prefer to stick to the status quo and continue with existing tools.

FR found the presented methodology interesting, and supported the principle of risk analysis to establish which fleet to have CCTV. FR said that as CCTV is one of the control tools, there are some regional considerations to take into account, as well as legal and financial issues to tackle. FR echoed Cyprus on personal data.

EE echoed Finland's remarks.

3.5 Increased synergies with other policies

3.5.1 Environment

The Com mentioned the lack of synergies with environmental legislation resulting in an inefficient control system. For this reason, the Com suggested amending the CR to extend the control of fishing restricted areas to all marine protected areas (listed under RFMOs, Birds Directive, Habitat Directive). More specifically: establishment of minimum requirements for the control of fishing restrictions due to environmental obligations, e.g. by extending the scope of existing Art. 50; additional provisions would be defined at national or regional level.

DE warned about mixing these policies. As per Natura 2000, there are fisheries and environment interests to be protected, and fisheries services cannot control environmental legislation.

NL agreed with the need to have minimum requirements, and proposed to have a link with art.11 of the CFP, as well as with regionalisation.

3.5.2 Food law

The Com stressed the non-alignment of some definitions (e.g. risk management or audit) and general principles (cooperation rules, responsibility of operators) with the food law, thus creating confusion and posing problems to authorities when enforcing the fishery and the food and feed control legislations. For this reason, the Com suggested amending the CR to better align it to the principles of the food law. More specifically: to align the terminology and principles of CR with the food law; to introduce minimum cooperation rules and procedures between MS and define the responsibilities of the food chain operators (using the same register as under food and feed law).

ES mentioned issues in controlling temperatures for frozen products destined to direct human consumption or processing/canning in allowed freeze systems, and shared the need to include such distinctions in the CR.

IE stated that in merging CR with food law, there is the need to clarify obligations on the competent authorities and operators. IE mentioned how food law requires health certificates, and that it would be useful to have an "IUU-box" introduced instead of a separate catch certificate.

EE said that equal words could have different meanings depending on the regulation and that it would be better to have the same principles, but not the same terminologies/definitions.

DE called for the need to have minimum cooperation rules for MS, as well as prescribing fishery control authorities to work with food control authorities. DE also supported the need to align the terminology.

3.5.3 Market Control (and traceability)

The Com defined the current rules on traceability of fishery products as ineffective and the type and level of implementation as uneven across MS. The Com also stressed how the current system is exclusively designed for EU fishery products, thereby not allowing the use of certain data on imported fishery products from Third Countries. For this reason, the Com suggested amending the Control Regulation to clarify the provisions and establish an EU-wide system. More specifically: to clarify definitions and provisions, including the objective of traceability and its use (market control purposes vs information to consumers) and to add requirement of unique trip identifier; to digitalise the system to control the application of the rules of the CFP at all stages of the marketing of fisheries and aquaculture products, from the first sale to the retail sale, including transport; to establish an EU-wide system. In addition, the Com presented additional suggested actions envisaged in Policy Option 3: to remove the derogation for products from Third Countries, which could also help EU operators and administrations to comply with possible Third Countries' import requirements; to digitalise the IUU catch certificate.

3.5.4 IUU

The Com mentioned how the current paper-based IUU Catch Certification Scheme would not be compatible with a fully digitalised traceability system extended to imported products. For this reason, the Commission suggested amending the IUU Regulation to digitalise the IUU catch certificate, that is, to mandate the use of an EU-wide IUU IT system (already under development) for the electronic submission and collection of catch certificates and processing statements.

ES agreed with the definition of a digitalised IUU catch certificate, and proposed to use the word "identification" in lieu of "label" for traceability. ES also supported the idea of clarifying current traceability rules and related meaning.

NL agreed that the current traceability system is not efficient and showed interest in looking at the general food law approach (one step forward – one step back). However, NL did not support an EU-wide system for traceability if this would mean tracing the whole food chain beyond the food law approach. NL advised for the digitalisation of IUU catch certificate. Drawing from food law, NL believed it would be necessary to have exact information of starting and exit points solely for traceability.

SE agreed that there have been problems while implementing current traceability rules. There is a lack of clarity in provisions and problems with the concept of lots. SE is implementing a digital control system for traceability, and stressed the importance of having information flow at all times. SE showed interest in knowing more about the presented EU-wide system and what it actually entails.

The Com responded that an EU-wide system would allow for interoperability and a smoother flow of information across MS, but it would not entail a central database managed by the Com.

FR supported the idea of clarifying the provisions, and supported a EU-wide system for traceability, defining it as the only way to ensure traceability and monitor fishery catches. FR was also in favour of the digitalisation of the IUU catch certificate and the creation of a database for such certificates.

DE agreed with the description of the problem, and was in favour of Policy Option 3. DE would also like greater synergy with the information to consumers. DE is supportive of an EU-wide system where information is comprehensive and freely accessible to anyone or about the entity entitled to run such system.

The Com responded that such system needs to be operated by MS as there will be some changes that will have to be implemented.

DK agreed with the description of the problem as the possibility to use paper documentation makes it difficult to implement an efficient system. DK asked the Com to elaborate more on the unique trip identifier.

The Com responded that it will serve as a means to facilitate the flow of information, that is, a unique number would link landing declarations, sales notes and transport documents.

IE emphasised the presence of three different discussions on this topic: fishery control; traceability/IUU different to food law; providing comprehensive information to consumers. IE agreed with the idea of an EU-wide universal system and a unique trip identifier. IE called for clarifications on the concept of lots (IE witnesses cases of fish fished in IE waters and never put in a lot) and where it actually begins, and asked for more time to think over third countries-related issues, and Common Market Organisations regulation.

CY was in favour of removing the derogation for products from third countries as well as the digitalisation of the whole process. However, CY warned against a "one-size-fits-all" approach and referred to the specificities of the small scale fisheries in CY with many different fish species and a small market claim.

Regarding database, DE mentioned that the country decided to leave it up to the industry to manage it, and the project was cofinanced by the EMFF. DE called for the need for a central hub in the EU just to exchange data. As regards catch certificates, it would be crucial to have a database with digital information.

ES mentioned the need for working on how to define catching requirements from third countries. More in general, for ES the new CR has to take into account more specific situations, especially in connection with small scale Med fleets, and to adapt solutions to real case scenarios. (e.g. 4 hours of prior notification is too long for some small scale fisheries)

NL said that having different sizes for small scale fisheries with different rules makes the whole process too complex, and suggested to only have two sizes (greater or less than 12 metres) to ease the control enforcement.

3.6 EFCA Founding Regulation

The Com introduced their last point by recalling the lack of full alignment of the Founding Regulation with the common approach on decentralised agencies, as well as the need to ensure alignment with the CFP (LO, role of EFCA with regard to the external dimension), alignment with the proposed amendments in the Control Regulation, and need to follow-up on recommendations of the Administrative Board. For this reason, the Com suggested amending the Founding Regulation to: align it to the Common approach on decentralised agencies; to clarify EFCA's mission and tasks with regard to the external policy, and fully align them with the CFP (this would include: empowering EFCA to carry out inspections beyond international waters, upon mandate/request by the Commission, limited to activities in the context of RFMOs, SPFAs and fight against IUU; allowing EFCA to coordinate among MS certain control schemes in RFMOs; and possibly clarify the future EFCA's coordination role when it comes to regional control measures in the framework of the landing obligation); to clarify the tasks of the Advisory Body and if necessary review the tasks of the Administrative Board; to assess it, it is necessary to revise current rules for the adoption and participation to the Joint Deployment Plans, and provide for more flexible working arrangements to ease the participation of Third Countries under the coordination of EFCA; to follow up on ECA recommendation by requiring EFCA to set up an EU-wide system to exchange data on infringements and sanctions (beyond JDPs), having data accessibility be designed in accordance with data confidentiality rules at EU/national level; to define EFCA's possible role in the EU-Fisheries Control Data Centre (FCDC).

DE mentioned the need to clarify EFCA's mission and task, and recognised the Agency's crucial role in landing obligation and the Baltic region especially for risk assessment. There is also the need to define EFCA's working programme more clearly. Concerning the EU-wide system to exchange data for infringement, to which also FRONTEX and EMSA should get access, DE stressed the need to think about the fact that EFCA compares the practice of different MS concerning infringements, and recalled the intrinsic differences in national legal frameworks.

NL expressed its view of EFCA merely being an advising agency and not an inspecting institution.

Concerning the control data centre, SE mentioned how costly it would be to manage such an immense amount of data, and would like to see a cost-benefit study before taking a stand on this point.

DK echoed NL on EFCA's function. DK took reserve concerning the expansion of EFCA's scope beyond international waters, and would like to wait for a cost-benefit analysis like SE.

IE highlighted the need for EFCA to adapt to needs of MS and the Com. IE mentioned that it would be good for MS to know more about what the external dimension would actually entail. IE echoed SE on data collection. A cost-benefit analysis could be useful to possibly redirect EFCA's current role.