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Workshop on the EU Fisheries Control System

Stakeholders Consultation

Brussels, 16th November 2017

Meeting report

Participants: Commission (A4, D4), EFCA, External Consultant IA, Advisory Councils (BSAC, LDAC, MAC, MEDAC, NSAC, NWWAC, PELAC, SWWAC), European Fisheries Organisations and Associations (AIPCE-CEP, CFDT/FGTE, CONXEMAR, Europêche, IS&WFPO, The Fisheries Secretariat, Koperattivi Malta, LIFE, IFSUA) and environmental NGOs (ClientEarth, Oceana, The Pew Charitable Trusts, WWF)

Chair: DG MARE unit D4

1. Context:

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

2. 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 stakeholders 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 stakeholders' views on three proposed policy options. Stakeholders 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 stakeholders 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.

A coalition of NGOs (Birdlife Europe, CAPE-CFFA, ClientEarth, Environmental Justice Foundation, Greenpeace, Oceana, The Pew Charitable Trusts, Seas at Risk, WWF) provided a joint statement regarding the overall exercise on the revision of the Fisheries Control System. They mentioned the impossibility to provide feedback on the policy options per se at this stage due to a lack of time to go through the detailed documentation provided, and reiterated that the success of the CFP stems in its implementation, calling for the Com to take the time to collect comprehensive data and present sound options on the impact assessment. They welcomed the opportunity to discuss during the workshop, and called for clarity on the overall purpose of the meeting. They then proceeded with mentioning that they will participate in the spirit of good collaboration and exchange of

views, whilst not taking a formal position on the presented options for revision. They stressed the need for all stakeholders to express their views during the whole process, and asked the Com about the overall decision behind why it was decided to fast track the revision of the CR.

PELAC and NWWAC echoed NGOs' comments, stressing the need for more time for ACs to digest such a detailed proposition. They highlighted the importance of the topic, having enormous implications on fishermen. Both ACs had already presented written comments on their positions during the evaluation exercise, but will have to revert and adapt those to the recent propositions presented on the Stakeholders Consultation background document. Hence, they will contribute only on what had already been agreed on by both ACs.

Oceana asked for clarifications on the policy options and on the related legislative process, especially on IUU and the electronic catch certificate. Oceana stressed the diversities in terms of concerns between NGOs and Member States.

The Com responded that policy option 3 is envisaged to be defined through codecision, and not an implementing act. The intention is not to amend the entirety of the IUU Regulation, but only very specific provisions of certain articles. The Com reassured the stakeholders by stressing how a complete revision and revolution of the system is not envisaged, but the intent is merely to modify certain provisions in connection with the amendments of the CR.

MEDAC mentioned the lack of time to review the proposed amendments and the need to consult with its members.

LDAC highlighted the normal timeframe for such consultations to be held (i.e. 12 weeks) and agreed with other stakeholders on the need to have more time to have a proper debate with the advisory council.

BSAC praised for the quality of the paper presented and welcomed the opportunity for such consultation to be held, defining it as a platform to have a constructive dialogue, though not presenting a formal positioning before reviewing the drafted proposal.

MAC stressed the difficult timeline foreseen by the Com, and asked for clarifications on the kinds of procedure and legal instruments that will be used when putting such proposal into effect.

NSAC echoed BSAC on the quality of the paper presented, and other stakeholders on timing. They fully supported starting to look at the CR in the North Sea. In 2013, they prepared a document on changes that they would like to have on the CR, and mentioned how some of its comments are still valid and should be taken into account.

The Com mentioned how many of the concerns expressed by the stakeholders had already been conveyed in writing by NGOs as well as during the LDAC meeting on 8th November. The Com thanked the stakeholders for being there and participating in the discussion. The Com understood the impossibility for stakeholders to express an official position at that stage, and mentioned how it was not expected for them to present an

official advice during the Consultation. The Com apologised for not having shared the documentation earlier, but also pointed out the somehow out-of-the-ordinary level of detail of the Consultation document, which the Com hoped it was appreciated by stakeholders.

The Com stated that the revision of the CR is not a fast track process as such. It is a regular process for adoption with a fully-fledged impact assessment. The Com mentioned the rationale behind the decision of not holding a public consultation, as the Com recently finalised an evaluation of the CR, in which such a consultation was carried out and the comments which were received are relevant in the context of the ongoing exercise. Hence the focus on more targeted stakeholders consultation.

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".

LDAC praised the Com for the quality of the documentation provided, and mentioned how their concerns have been taken into account in such proposal. Regarding the sanctioning system, it is necessary to have a harmonised implementation and sanctions, with a definition of infringements at EU level and minimum range and framework. This is important for legal certainty and clarity as well as a level playing field throughout the Union. LDAC was in favour of moving forward, and on EFCA, supported option 3.

PELAC and NWWAC mentioned having issues on Art.89 and 90 dealing with penalties and infringements. They asked whether the Com considered the different judicial systems in each MS. Regarding sanctions for serious infringements, there is a contradiction between the CR and the Control Implementing Regulation (CIR), and called for such divergence to be solved. PELAC and NWWAC both felt that a level playing field is not in place within the EU with regard to serious infringements.

BSAC mentioned how policy option 1 is not an option, as well as uncertainties on whether supporting policy option 2 or 3. They welcomed a full revision of the CR, supporting the need for change. The representative of BSAC also stressed the important role of EFCA.

NSAC mentioned how they are in between policy option 2 and 3. Not only are there control measures on the IUU Regulation and the CR, but there is also "mushrooming" of control provisions within other regulations. They supported having control measures only on the CR itself. They stressed issues regarding the definition of what a serious infringement actually entails, as there are different interpretations amongst MS, leading to major impacts on the allocation of sanctions, which are a matter of national competence.

ClientEarth highlighted issues regarding a lack of clarity on provisions, as well as a failure on MS behalf to fulfil their obligations.

Oceana asked for clarity as per how the proposed amendment of the IUU regulation will be put forward. They suggested making some level of information on sanctions available to the public so as to promote the level playing field. They also criticised the lack of political will and the low level of fines applied.

MEDAC claimed that option 1 is not an option, and that they cannot express definite preferences towards option 2 or 3. Based on last year's MEDAC contribution to public consultation (Evaluation of the Fisheries Control Regulation) , one of the most important aspects is to simplify control rules as there are too many obligations and it is difficult to compile logbooks. MEDAC would like to have better traceability. LDAC called for greater clarifications on infringements, as well as the need to have all control measures in one regulation.

The Com defined the mushrooming of control revisions to be an issue (i.e. Baltic plan has provisions on control). The Com agreed with the need to have a single act to improve

clarity. Regarding whether the Com took into account the different judicial systems amongst MS, the Com responded that MS have full sovereignty over juridical systems. Regarding infringements, MS have flexibility over deciding their seriousness, setting national criteria. This leads to a lack of level playing field. Hence the need for more clarity and defining clear behaviours that could be applicable throughout the Union. The Com mentioned that they do not have the ambition to have all MS with the same system *in toto*, but stressed how there could be some preliminary and basic principles that could be defined, which would lead to a level playing field. The Com stressed the need to continue ensuring an effective implementation of current rules, whilst acknowledging having current rules being modified.

PELAC and NWWAC mentioned that with regards to EFCA's Founding Regulation, they may support policy option 3. Regarding the penalty points and administrative sanctions, they raised the need to ensure a level playing field amongst MS and third countries fishing in EU waters. They also called for clarifications on art.92 and the distinction between the licence holder and the master of the vessel.

The Com agreed with the need to further clarify the points system.

Following concerns raised by IS&WFPO regarding the different judicial systems amongst MS, the Com reassured the stakeholders that they are currently consulting the MS and looking for solutions to address such issue.

NSAC called for regionalisation, and stressed the need to avoid defining a one-size-fits-all solution on enforcement.

EFCA took the floor to explain that one of the main purposes of the Agency is to promote a uniformed application of control rules, and that it is currently working with MS to find common interpretations on the way forward. Harmonisation needs to be proportional.

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).

PELAC and NWWAC supported the proposed solution and called for the definition of a cost effective and user friendly system for vessels below 12 metres.

BSAC stressed the need to have a clear purpose to regulate the reporting and tracking for vessels below 12 metres, especially as their practical implications are not directly

evident. It is pivotal to define and take into account the nature of boats with limited capacity, as well as the non-necessity of controlling landings for this kind of vessels.

PEW was in favour of expanding the scope of the CR to vessels below 12 metres to increase transparency, especially with regards to supply chain. They mentioned the need to consult with small scale fishermen on proposed actions, and continued by calling for realistic solutions that would imply less costs borne by fishermen.

LIFE supported the idea of filling in this knowledge gap, and agreed with the possibility for vessels of 12 metres to provide important data. On the contrary, vessels of 6 metres could bear too little space to get equipment. LIFE mentioned a new position fixing system on small scale vessels developed in France. SMS and web system solutions could be envisaged. Overall, LIFE welcomed the initiative, and warned on the inapplicability of a one-size-fits-all solution.

The Fisheries Secretariat welcomed the initiative to improve current system, and warned about the possibility for 12 metres vessels to have big fishing capacity. Lastly, they called for an acceptable compromise to cover more vessels than the ones covered by the current CR.

MEDAC called for the harmonisation and simplification of electronic tools.

Koperattivi Malta raised concerns over specific challenges in the Mediterranean, and supported a tracking system for vessels below 12 metres, particularly important to control fishing activity in closed areas. They also stressed how 80% of fishing vessels in the Mediterranean are below 12 metres. They also mentioned the issues deriving from having third countries vessels in the Mediterranean, which are not subject to the same rules and called for more harmonised provisions and controls.

IS-WFPO IEPPO – called for better and efficient data on tonnage of vessels.

WWF agreed with the definition of the problem, as well as the impossibility to foresee a one-size-fits-all solution. It is also important not to discriminate and monitor all segments of vessels equally. As per procedural issues, they mentioned the call for tenders to monitor such vessels with EASME, and asked the Com for clarification as to how its results will be taken into account.

The Com took the floor noting that there was a general support to go along with the reporting and tracking for vessels below 12 metres. The Com took notice of the need for greater harmonisation of methods applied by MS. The Com mentioned the presence of different examples of easy and cost-effect systems currently being developed by MS. The CR would not enter into the detail on the type of technology to be used and related technicalities as this will be further developed in the implementing regulation which will also benefit the study referred to by WWF. Hence, it aims more at setting general rules as per the monitoring for vessels below 12 metres. The Com echoed Koperattivi Malta's comment on marine protected areas, and current issues on controlling those.

NSAC called for the need to distinguish between monitoring and electronic logbook, which is deemed as not feasible on small boats, and doubts were raised as per its practicality.

The Com responded that an electronic reporting of catches is needed, and sent in adequate conditions. More specifically, a reporting system needs to be envisaged which is done regularly and electronically, so that it is less burdensome. The monitoring of the vessel has to be conducted in real time. Regarding the reporting, the Com still needs to define a feasible solution.

Koperattivi Malta mentioned how recreational fisheries are not controlled and how the thousands of recreational vessels in the Mediterranean escape to reporting.

CRPMEM PACA raised concerns over the presence of "grey" markets from alleged recreational vessels in the Mediterranean. This is seen as a threat to professional fishermen, as well as depleting fish stocks.

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.

ClientEarth agreed with the presented description of the problem, calling for the need for more control measures. They called for clarifications on the possibility for control at regional level to be included in Multi Annual Plans (MAPs).

The Com clarified that the ambition in the future is not to have control measures scattered around different legislations.

WWF fully supported the specific actions and the definition of the problem at stake as there are no scientific quality data on the impacts of recreational fisheries at present. In the Mediterranean, it has been calculated as 10% of total catches. WWF called for having a robust fishing licence process in place, so that fishermen are aware of the legislation and the scientific rationale behind it.

MEDAC mentioned the presence of an active permanent working group on recreational fisheries in place since 2011 and pointed out that this issue is a top priority for MEDAC and has been subject to several opinions. On the first action, MEDAC managed to adopt an opinion to on the Western Mediterranean MAP for the demersal stocks, asking all measures proposed to also apply to recreational fisheries.

IFSUA added that it is pivotal requesting catch reporting from all fishermen, including those fishing from the shore. It gave the example of seabass, for which angling from the shore is 4 times more important than the activity of fishing vessels. IFSUA mentioned certain systems for special licences in place in a number of MS for stocks such as tuna and sea bass and advocated for a simplified solution whereby all fishermen would be registered (thus avoiding issuing a special licence) and would have the obligation to report catches. IFSUA called for the need to define a period of adaptation to implement the new measures.

BSAC defined recreational fisheries as a controversial subject. They mentioned the presence of a licence system in Denmark to register to fish accompanied by annual electronic reporting. Failure to reporting leads to a non-renewal of the licence. BSAC mentioned the presence of sports and semi-professional fishermen that fish intensively, as well as "tourists fishing boats" in the Nordic and Baltic Seas. They should have the obligation to register and for each fishermen to hold a licence, given that they land substantial quantities.

LIFE supported the idea of licencing, as there is a significant amount of fish caught which is difficult to monitor. LIFE also mentioned fishing with kayak or from the beach with nets, which should also be regulated. LIFE informed that in Denmark there are 30,000 recreational fishermen using nets, which LIFE considered a "huge black hole".

Fisheries Secretariat mentioned the reluctance from MS to implement specific actions on recreational fisheries, especially in Scandinavian countries.

Koperattivi Malta highlighted the difficulties for commercial fishermen to comply with rules and advocated for equitable treatment and definition of rules also for the recreational sector.

NSAC expressed sympathy on the aim of the discussion, but raised concerns over the financial possibility for MS to implement provisions on this matter, calling for proportionality to be applied.

IS&WFPO mentioned the presence of practicality issues, and the need to be thoroughly considered before amending it as it could lead to undesired outcomes.

The Com called for the need to have a licencing system in place to know and control the pool of participants in these fisheries.

BSAC called for the number of lakes and rivers in the EU where people can fish that need to be considered in a licencing scenario.

MEDAC/IFSUA defined the licencing registration with current technologies as not bearing too much burdensome on fishermen, and proposed to have a general EU-based electronic licencing system for recreational fisheries. The data collection of recreational fisheries should not be limited to catches, but instead should be enlarged to the human dimension, which is critical to establish proper management measures.

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/permitted "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).

BSAC called for the logistics dimension of the proposed specific actions to be taken into account, warning over the possibility to limit landings to a small number of ports around a whole MS.

The Com reassured that the envisaged system would allow for a broader range of operators to conduct such tasks by introducing a system where a registered weigher could conduct the weighing, that is, every person that competent authorities seem fit to conduct such task.

PELAC and NWWAC alerted that there will be specific comments sent out by both ACs in the near future on this topic. They called for effectiveness and efficiency of weighing, as well as foreseeing possible unexpected consequences. NWWAC already issued a recommendation on Article 60's application to overseas territories, especially with regard to the derogation ex Art.61.2. They stressed the need to have control measures that would still allow businesses to operate.

MAC called for clarifications as to why weighing currently represents a problem.

NSAC suggested to delete Art.60, and proposed to only use sales notes. They recalled that weighing is an issue between fishermen and buyers.

BSAC said that the only time fish need to be weighed is when it is sold. The only difference one may find in different stages of weighing is deemed as only representing different amounts of water.

ClientEarth agreed with the description of the problem and proposed to remove the margin of 50 kg in Art.14. They also supported the Com's proposition to have a unified controllable system.

Oceana mentioned a study on conversion of live weight used in MS, raising concerns over the current weighing practices.

Koperattivi Malta advocated for stronger controls on imported fish. They mentioned that fish coming from Third Countries is sold as EU fish, and the relevant vessels are not subject to the same strict rules. They therefore called the Com to focus on the real loopholes.

The Com agreed with having a very complex set of rules on the matter. The system is very complex as there is a basic provision for landing which is derogated multiple times throughout the CR, leading to diversified results. The Com is currently conducting audits in MS that show how the provisions are not thoroughly implemented throughout the Union (e.g. weighing does not always take place at landing). The Com reiterated that the CR is just focussing on the activities of EU vessels and of third countries' vessels fishing in EU waters. In relation to the suggestion to move away from the obligation to weigh at landing and using sales notes solely, the Com stated that sales notes only weigh the quantity bought which may not be necessarily in line with the number of quantities landed. There may be significant quantities which registered buyers would choose not to purchase, but these quantities are necessary to be included on weighing records. In response to the conversion factor discrepancy raised by Oceana, conversions factors are necessary in order to convert dead weight into live weight. It is inevitable that there may be differences based on the use of conversion factors. The Com called for Oceana to share their study with the participants.

NSAC called for the simplification of transport documents and wondered if they were really needed.

The Com stressed the benefits coming from having transport documents, as they provide control of fish until sale. This is in line with Art.109 of the CR. Transport documents requirements could improve in terms of whose responsibility it is to fill it in. The Com would suggest that it is the responsibility of the company.

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.

PELAC and NWWAC asked whether international maritime organisations had been included in the discussion on improvements in technologies.

BSAC did not see the need for related articles to stay in the revised CR, and called for more attention on what is being caught rather than on engines.

Client Earth agreed with the description of the problem and called for current rules to be fully implemented by MS.

IE&WSAP asked for clarifications on propeller measurement.

The Com explained the two types of data verification and physical verification processes. The Com reiterated the need to maintain engine power control rules especially in light of the capacity ceilings in Annex 2 of the CFP. This is also relevant for EMFF funds and the so-called entry-exit scheme. When it comes to fishing effort, the Com agreed that this is more of a reality to be taken into account in certain sea basins more than others (e.g. the Mediterranean).

LIFE wondered about the extent to which one can measure the power of gears in vessels and recalled that engine power-related needs considerably vary depending on the type of gear.

The Fisheries Secretariat called for all stakeholders concerns to be taken into account and for the disconnection between what one can measure in terms of catch and fishing capacity.

BSAC stressed the need to measure the capacity, but questioned the need for continuous monitoring, as well as the importance to consider possible economic implications for the industry.

The Com clarified that the proposed specific actions would not lead to the removal of certification, but rather allow for a simplification of subsequent verification.

NWAC did not see the need for such revision, and the monitoring of fishing capacity to be in place, and called for resources to be allocated to solving other issues.

Koperattivi Malta highlighted the specificities of the Mediterranean, and stressed how greater power could be needed to be used for safety reasons at times.

The Com stated that engine power is easy to manipulate from what stated in the engine certificate.

PELAC mentioned how based on previous audits carried out by the European Court of Auditors (ECA). PELAC came to the conclusion that it was totally inappropriate to calculate engine power for pelagic vessels.

NSAC also raised concerns over the need to amend such provision, as it is deemed having little connection to reality. Vessels do not want to use full power and instead endeavour to use less fuel.

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.

LDAC favoured the idea of moving to electronic reporting. All available technologies for long fleet should be integrated at EU Level. They called for the optimisation of IT tools on one smartphone app to address the issue.

PELAC and NWWAC welcomed the idea of electronic data monitoring, and called for revisions in art.15.8 and Art.9.3 to allow electronic data transmission to flag and coastal states at the same time.

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 - MPAs (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.

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).

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.

BSAC questioned whether any alignment with the environmental legislation is justified and is in line with the overall purpose of the CR. They found provisions in Art.50 as being sufficient.

The Com recalled that the lack of synergies with environmental policies was also raised by the Evaluation of the CR.

MAC raised concerns on the different definitions which are common with food law, and praised the idea of aligning those. For traceability, control measures are implemented differently throughout the Union. They also called for the need to consider not increasing the burden to those companies that already abided by the rules provided by food law. Aligning traceability rules to imported products is envisaged to be very cumbersome as it is already difficult to do so within the Union itself. There are additional burdens on direct sales, as no rules apply.

Oceana called for the extension of the scope of Art.50.2 to MPAs, therein strengthening control over fisheries protected areas.

WWF supported the approach of strengthening rules on market control and traceability. As well as other NGOs, WWF was in favour of the digitalisation of the IUU certificate.

WWF raised concerns on the approach to revise CR and IUU within the speedy timeline that is being imposed, and worried about it opening the door to smoother regulations.

PELAC and NWWAC proposed to expand the scope of Art.50 to all human activities, and not to be restricted to fishing activity solely. They stressed the extra burden for fishermen to send VMS data sometimes every 10 minutes and called for the application of the same rules also to other types of vessels.

LDAC echoed comments provided by NGOs, and was fully supportive of the digitalisation of the IUU catch certificate.

The Com responded that DG MARE is already working with DG SANTE on the digitalisation of the catch certificate, and reiterated that there is no ambition to amend the IUU Regulation extensively.

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; 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 Board 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).

A coalition of NGOs (Birdlife Europe, CAPE-CFFA, ClientEarth, Environmental Justice Foundation, Greenpeace, Oceana, The Pew Charitable Trusts, Seas at Risk, WWF) supported the amendment of EFCA's Founding Regulation, especially with regards to the Agency's external dimension.

BSAC expressed high confidence over EFCA's ability to perform control.

PELAC and NWWAC were in favour of strengthening the role of EFCA, in particular beyond international waters.

MEDAC advised to increase EFCA's role, and suggested to organise more training of inspectors in order to promote harmonisation within the Union and in Third Countries.

BSAC defined EFCA as a very good partner for dialogue and favoured amendments to EFCA's Founding Regulation to also fix some redundant and outdated provisions.

NSAC also praised the good cooperation with them and called for more ACs representatives to be allowed attending the EFCA's Administrative Board meetings.

The Com recalled the recent LDAC opinion, which called for a stronger role of EFCA in the external dimension of the CFP.