

**FISHERIES CONTROL SYSTEM**  
**MEMBER STATES CONSULTATION**  
**WRITTEN CONTRIBUTION**  
**THE MINISTRY OF AGRICULTURE AND FORESTRY OF FINLAND**

The Ministry of Agriculture and Forestry of Finland presents its preliminary views on the policy options and specific actions outlined in the Commission paper for the meeting of the expert group on fisheries control on the 6 November 2017. The views presented in this document have not been officially endorsed by the competent bodies.

**General reasoning**

Generally the situation with fisheries control is unsatisfactory because many Member States have not been able to put the existing legal framework fully into force so that it would work in practise. This seems to be so common phenomenon that one cannot avoid thinking that the level of ambition with the regulations has been too high. It is too early to plan profound reform before we know how the existing framework works after it has been up and running for several years. For example, in Finland it took a lot of time before the enforcement system with sanctions and points was effectively implemented. Now it seems that the culture of compliance has started to improve rapidly and no reform is needed.

While there surely is need to clarify and update some issues, and the Option 1 as such is not to be followed, the Option 3 should be carried out with modest ambition. The European Union cannot afford to mistakes of adopting regulations that are not possible to be put promptly into force in the whole Union. So far the main focus should be on cost-effective and efficient full implementation and enforcement of the existing regulations.

Amendments on the existing legal framework should be done only when the added value for the control policy objectives is secured. Control should not be seen as an objective or value in itself but as a tool to safeguard fish stocks. For example, tracking of small fishing vessels is not cost-effective from this point of view.

Another general viewpoint is that the control system is based on one-size-fits-all approach. The control system should better take into consideration that the structure and character of fishing is very different in Member States. There are big differences in geography, climate, fish stocks, traditions, ownerships, economic value, market chains and many other characteristics between Member States.

In a recent judgment (C-128/15) the Court of Justice has restated that the principle of equal treatment requires that “comparable situations must not be treated differently and different situations must not be treated alike unless such treatment is objectively justified”. The principle of proportionality, which is one of the general principles of EU law, requires that acts adopted by EU institutions do not exceed the limits of what is appropriate and necessary in order to attain the legitimate objectives pursued by the legislation in question.

In our view regionalisation of the fisheries control policy is a solution to enable the control to be different in different waters and also vary from one country to another, and in proportion to the needs of control in different fisheries.

When planning and approving new control measures it shall be born in mind that it is also a question of giving a signal to the industry and the public whether we see the actors of the sector as responsible and ethical or rather like suspected whose every step must be supervised and registered.

## AMENDMENT OF THE FISHERIES CONTROL REGULATION

### A. Enforcement

*Problem: Lack of consistency and effectiveness of national sanctions for infringements of the CFP rules.*

It is self-evident that the current enforcement system is complex and confusing. But Member States and the actors have lived several years with it and Member States are finally getting it to function. A reform at this stage would mean that the system would be changed just when its implementation has started. A reform is not grounded at a moment when experience from the current system is only beginning to grow. It is always better to live several years with a new system before planning next big reform as at least in Finland the system is now running in accordance with the EU rules.

As for different application of sanctions and control systems, it comes inherently from legitimate differences between Member States. Member States are different with their own special characteristics, own legal and administrative traditions. Fishing varies a lot between Member States. The economic and social importance of fisheries varies a lot. Also fish stocks vary a lot. Member States apply sanctions and control systems in a different way mostly because the situations are different.

In conclusion, the Finnish Ministry does not see this issue to be a major problem demanding any corrective measures. A reform would bring bigger problems with it. Very important point is that legal security requires that enforcement and sanctions systems are not changed frequently.

#### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to clarify the current enforcement rules (Title VIII) and ease and improve the exchange of information among the Member States involved in case of infringements (Costal State, Flag State, Member States whom national committed infringement)*

##### *1. Lay down unequivocal criteria to define the gravity of the infringements.*

The Finnish Ministry doesn't see a need for uniform criteria to define the gravity of the infringements. Member States have the best knowledge on the special circumstances and characteristics of their own fisheries. The gravity of the infringements is strongly dependent on local conditions and national legal systems.

2. *Clarify and revise the current Control Regulation obligations to apply immediate enforcement measures (or preventive measures) in case of serious infringements.*

This specific action idea is difficult to understand. What could the immediate measures in practise be? We find it unnecessary and problematic to go further from what is already in force. At any rate, any kind of physical intimidation is out of question.

3. *Maintain the common list of points to be attributed for serious infringements.*

The existing common list is working sufficiently well.

4. *Clarify that points must apply in addition to the main sanction(s).*

In Finland we have no problem in understanding this. It is clear that points are given for serious infringements in addition to main sanctions. If there is different application between Member States, it is ok to clarify the text.

5. *Establish common/minimum rules for the masters' point system.*

The Finnish authorities are satisfied with the current situation. We have functioning national rules for the masters' points and we don't see any need for common rules.

6. *Establish an EU system to exchange data on infringements and sanctions in cooperation with EFCA and the Member States (ECA request).*

Exchange of data might help risk-based planning of control operations. However, this idea is not cost-effective because it would mean constructing of a new data system. This project would take several years and cost a lot of money. One should always weigh the costs and the expected impact. In this case we see that the project would be too expensive in relation to the positive impacts in reaching the objectives of the Fisheries Control. The added value of this specific action would be so low that it would be more reasonable to use the same money in other way to help the fisheries control.

7. *Digitalisation of inspection reports through use of an Electronic Inspection Report System (ECA request).*

There is an on-going project between EFCA and Member States but it has not gone forward in a satisfactory way. We urge the Commission to put more effort to push the work of this project forward and, after consultation between Member States and EFCA, to give a draft for Commission rules on the technical definitions.

*Amend the Control Regulation and the IUU Regulation to clarify, simplify and streamline the current rules. Move enforcements rules from the IUU Regulation to the Control Regulation to ensure one single enforcement system. (Option 3)*

1. *Establish a common list of definitions of serious infringements of the CFP by ensuring EU international obligations in this respect.*

Common definitions of serious infringements might help the implementation in Member States. However, it is extremely difficult to achieve universally applicable definitions that were interpreted similarly in Member States. The consolidated list should be in the Control Regulation.

2. *Introduce the obligation to treat infringements of CFP under administrative law (not excluding criminal law).*

Administrative sanctions are already in use in Finland. Still there is no need to introduce an obligation since in some Member States administrative sanctions may be impossible to implement because of the legal systems.

3. *Introduce common rules on administrative sanctions for infringements of the CFP rules either:*
  - a. *by setting at EU level types and ranges of sanctions (e.g. in monetary terms or as % of economic revenue/benefit from infringement, % of value of the illegal catches);*
  - b. *or by obliging MSs to set national sanctions, including their ranges, in accordance to clear benchmarks or minimum levels set in EU rules.*

All the Member States have their own special characteristics, they are different with own legislative systems and administrative traditions. Fishing sector and fish stocks vary a lot between Member States. Also the economic importance of fishing varies a lot. It is well-grounded and acceptable that Member States apply sanctions and control systems in a different way.

4. *Define concepts such as "economic benefit from the infringement" or "value of the prejudice to the fishing resources and the marine environment" (not necessary if point 3.a is chosen).*

In many infringement cases there is neither economic benefit achieved nor a prejudice to the fishing resources or to the marine environment.

## **B. Data: availability, quality and sharing**

### **Reporting and tracking for vessels < 12 m**

*Problem: Impossibility to monitor and control fishing activities and catches of vessels below 12 meters efficiently.*

The fishing activities of vessels under 12 meters do not endanger the fish stocks in the Finnish waters. The share of the small vessels of the catches is not significant and it is mainly concentrated on non-quota species. 97% of the pelagic catch is taken by trawlers. The small-scale coastal vessels dominate fishing of species like smelt, bream, roach, perch, powan and pike. Therefore Finland cannot agree with the Commission that there is a problem with monitoring and controlling of fishing activities of small vessels.

In addition, the number of small fishing vessels is very large: there are 3 143 fishing vessels below 12 meters in Finland, while the number of bigger vessels is only 64. Monitoring and controlling of small vessels more efficiently would be very expensive with little value added.

However, in Finland there is one important case where the fishing of a regulated species is mainly carried out by small-scale vessels, and it is salmon. The quota of salmon is totally taken by small-scale vessels. Finland started this year a system of transferable fishing concessions and there is a need to improve the control of salmon fishing. Therefore the Ministry of Agriculture and Forestry is going to propose an amendment to national legislation so that a prior notification shall be required from the fishers of salmon before they land their catch. But tracking the movements of small vessels would not help the control at all. Finland has also enhanced the control in salmon fisheries by introducing an obligatory marking for salmon individuals caught in commercial fisheries.

## Comments on possible specific actions presented by the Commission

*Amend the Control Regulation and extend monitoring and reporting of catches to all vessels.*

- 1. All vessels are monitored and report electronically their catches, irrespective of their size.*

Monitoring of the movements of small vessels would not bring any improvement to the fisheries control because the value of that information is zero in the fieldwork.

Electronic monitoring would in any case be expensive in Northern circumstances. Maintenance and technical support would be needed for over 3 000 vessels instead of the current 64 vessels. Administrative burden would be increased while the main task of the Member States and the Commission should be diminishing administrative burden and control in all the functions of society.

As for electronic reporting, EU rules should enable the possibility to report all kind of catches electronically. However, detailed and obligatory rules should be avoided. Now there is an unnecessary anomaly in the EU legislation because in case of vessels between 10-12 meters it demands the submission of a fishing logbook and transshipment/landing declaration in paper format (Article 29 of the Commission Implementing Regulation 404/2011). It should be up to Member States to decide the format(s) used in case of small vessels.

- 2. For vessels below 12m an easy and cost effective solution is applied (e.g. IOT, cellular/3G, application – as already in place and/or tested in several MS).*

EU rules should enable the possibility to use different cost-efficient electronical tools. However, detailed and obligatory rules should be avoided. Even easy solutions are costly when the number of fishermen is large. In the Finnish case 3 000 new vessels should be installed with tracking devices. That would be a tremendous work without real benefit.

In the coastal fishing it is not rare case that the whole fishing trip (from the shore to the trap, harvesting it, and back) lasts about 20-40 minutes. Electronic monitoring does not increase the effectiveness of the control at all. As an alternative, we prefer a rule that enables Member States to apply national practices, for example prior notification, which were able to apply in a way that is suitable for their special circumstances. Prior notification would be more cost-effective and also more efficient because it would not need any fixed equipment on board if the system was able to receive notifications from ordinary smart-phone or personal computer from the home of the fisherman.

## **Control of recreational fisheries**

*Problem: Lack of control measures for recreational fisheries despite their possible significant impact on fish resources.*

This is the most sensitive of all the themes in the Commission paper. Fishing is one of the most popular hobbies in Finland. There are over 0,5 million recreational fishermen in the coast of Finland, 1,5 million if inland waters are counted. On average there is more than one recreational fisherman in every Finnish family. Still it is a very small-scale activity. Mere

proposing EU control measures for recreational fishing would attract wide public attention and undermine the legitimacy of the EU in the mind of general public in Finland – even though it would be restricted to the stocks that are regulated by quotas or other EU measures.

Finland already has a well-functioning control of recreational fishing based on national legislation. There are about 3 000 public and private authorised fisheries inspectors supervising recreational fishing in Finland and also the fisheries authorities, the police and the coastal guard are involved in the control of recreational fishing.

Of course, we understand that recreational fishing may have different nature in other waters of the EU. In that case, we feel that regionalisation would be a good solution so that recreational fishing was controlled via EU legislation where there is a need for that. But problems of some areas must not reflect to measures in all the Member States.

All in all, we note that in the description the Commission refers to *possible* significant effect of recreational fishing on fish resources. It would be more reasonable first to collect data on the true effects for example with the help of data collection framework.

#### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation introducing fishing licenses, vessels registers and reporting of catches for certain types of recreational fisheries.*

- 1. 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 <12m).*

For the reasons explained above, this would lead to strong opposition in Finland.

- 2. All vessels used for recreational fishing are registered.*

Finland has national legislation on the Watercraft Register for non-commercial vessels. It holds the details of all sailboats and motorboats that are at least 5.5 metres long. Any watercraft where the engine power declared by the manufacturer is at least 15 kW also needs to be registered.

There are now about 208 000 vessels in Watercraft Register. In addition there are hundreds of thousands of smaller, non-registered vessels in Finland. While hardly any of them is used solely for fishing, a big part of them are at least occasionally used for recreational fishing. Registering of these vessels as fishing vessels would not bear any benefit and it would be extremely expensive. What is more, the control of the movements of the vessels would be mission impossible. It should also be born in mind that a part of recreational fishing takes place not from vessels but from the shore. All in all, this measure would be totally unproportioned in relation to the objectives of controlling recreational fisheries, taking into consideration that its impact on fish resources is very low.

- 3. Further control measures can be applied at national/regional level.*

It is always possible. There is already large fishing legislation in Finland with heavy control package within it.

## **Weighing, transport and sales**

*Problem: 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. This jeopardises quota uptake monitoring (thus the sustainability of the stock), undermining the legality of the fishing activities and subsequent data analysis.*

The magnitude of the problem is not as grave as the Commission describes. There should not be rules that cannot be followed or which are too strict for small-scale fishers to follow - and if implemented efficiently, the rules would kill small-scale fishing.

### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to revoke exemptions that undermine the accurate weighing and registration of each quantity of each species landed and transported.*

- 1. Each quantity of each species landed is weighed on approved systems, recorded in weighing records.*

Finnish fisheries need an exemption from the fisherman's obligation to weigh the catches so that the weighing can be carried out after the transportation.

- 2. 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.*

Small-scale fishermen land their catches often in their own shore and the catches tend to be really small. The length of the shoreline of the Mainland's maritime coast is 6 300 km. There are about 400 landing sites in the coast of Finland. From the point of view of a small-scale fisherman a dense network of landing sites shortens the fishing trips and makes it feasible to market profitably even small catches. While this favours the small-scale fishery it undeniably is a challenge to the fisheries control.

It is simply impossible to organise a network of registered weighers for the whole coast of Finland. The current system with landing declaration and sales-note, weighing after transportation, plus on the spot inspections is functioning sufficiently well and cost-effective improvements are hard to imagine.

- 3. All quantities sold/dispensed for private consumption, to non-registered buyers, are recorded in landing declarations.*

The point of this action is not totally clear but probably this would not change the current good practice in Finland and as such it is welcome.

- 4. 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).*

The current framework works well enough. One weighing is enough and it may be done before or after transportation.

5. *Requiring that Member States 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.*

This would be another new administrative requirement while the main target of the reform should be diminishing the work of the Member States officials. Fisheries control and its administration is already too heavy a task for Member States such as Finland and not in any reasonable relation to its social impacts.

6. *Clarify responsibilities and accountability of operators at all process stages.*

It is unclear what needs to be clarified.

7. *Simplify the reporting procedure of documents from operators to competent authorities (flag state, state of landing, state of sale).*

This idea remains unclear.

8. *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).*

There is no need arising from the fisheries policy to impose registration to new actors of the value chain. It would not reduce but increase the administrative burden.

## **Monitoring of the fishing capacity**

*Problem: Current provisions on physical verification of the engine power are not effective to detect differences between the real and the certified engine power. As a result, there is the risk that vessels with manipulated engines may exceed the engine power specified in their fishing licences and that Member States may exceed their capacity ceilings as set in the CFP.*

Monitoring of the fishing capacity is not essential in the preservation of fish stocks in waters where the main tool of the EU is TACs and quotas. Monitoring of engine power is important only in those regions where there are no TACs and quotas. Elsewhere it does not endanger the targets of the CFP and therefore effective enforcement is not crucial.

### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to mandate continuous monitoring and transmission of the maximum power developed by the engines when the vessels are active.*

1. *For vessels >120 kW using active gears, mandate a continuous monitoring system and transmission of the maximum power developed by the engines when the vessels are active.*

This would again create a new complex monitoring system and huge administrative burden. There is no need for this.

2. *The information on engine power is stored 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.*

There is no need for this. The added value for the objectives of control is minimal.

3. *Procedures should be developed that include how to act in case of system failures.*

There is no need for this. The added value for the objectives of control is minimal.

## Data management and sharing at EU level

*Problem: Major shortcomings in the exchange of fisheries data between Member States, and limited access of the Commission to disaggregated fisheries data (resulting in difficulties for the Commission to assess the accuracy of the Member States' catch reporting).*

The shortcomings are not major by character and it is hard to agree with the description of the problem. It is not advisable to use a sledgehammer to crack a nut. It is up to Member States to ensure the accuracy of catch reporting and no doubt should be cast on their reliability in the issue. In Finland there is strong tradition of taking rules seriously.

Actually, the possibility to the Commission to see the disaggregated fisheries data would not help the true problem of wrong catch reporting by the fishermen due to unsatisfactory fisheries control in some Member States. The illegal fishing for salmon in Southern Baltic Sea and reporting it as trout is well-known also in the Commission. It is astonishing that the Commission wants to collect more powers for itself while it is not willing to tackle with recognised omissions of the Member States with the powers it already has.

### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to complete the digitalisation of the data system, and enhance availability and exchange of data.*

- 1. Complete the digitalisation of the control data system (e.g. electronic reporting of the vessels <12m).*

Electronic reporting of small vessels is not meaningful from the point of view of fisheries control. All catch reporting should be possible also electronically. MS should decide if vessels less than 12 meters should obligatory use electronic reporting. For the moment vessels between 10-12 meters are not entitled to use electronic reporting if they would like to do that. Also it is unclear if the reporting time follows the paper or electronic reporting timelines.

- 2. Establish an EU-Fisheries Control Data Centre (FCDC) for an integrated European information system for fisheries management.*

This would be very costly exercise with little value for the CFP. First the Commission has given funding for all individual Member States for national systems and then it would build a new centralized database for the whole EU. Looking from outside one cannot avoid an impression that everything has been built twice with Union funding. That should be avoided.

It does not bring added value to create an integrated information system. Member States have very different information systems and it is enough that Member States take care of them.

## C. Control of the landing obligation

*Problem: Conventional controls, such as inspections at sea are not effective to control and enforce compliance of the landing obligation.*

This problem does not concern the fishing for Baltic herring, sprat or salmon in the Northern Baltic Sea, nor any non-quota species in the coastal fishing in Finland. In the Finnish fisheries control the trend has been to move the focus from inspections at sea to inspections at port because practise has shown this to be the most effective approach.

## Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to require the use of remote electronic monitoring tools, including CCTV, on individual vessels and fleet segments according to risk assessment.*

- 1. 100% 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).*

It is hard to believe that CCTV would be cost-effective or even practical method of control. If ever introduced, CCTVs should be used only in the case of the biggest vessels, not vessels less than over 40 meters of length.

- 2. For the remaining vessels coverage levels should be determined per fleet segment in accordance with the regional risk assessment and in cooperation with EFCA.*

In the Northern Baltic Sea discards have never been a problem and our experience has shown that inspections at port are the most effective method of control. In the trawling of small pelagic species (Baltic herring and sprat) the catches are to large extent used for industrial purposes and any catch is valuable (in other words, it would be unreasonable to discard anything). On the other hand, there are practically no by-catches in this kind of fishing.

- 3. Within the fleet segments determined as the highest risk, Member States should determine which individual vessels to be equipped with CCTV on a dynamic basis, according to risk. Member States should be required to 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.*

Finland doesn't support mandatory requirements for Member States on this point.

## **D. Increased synergies with other policies**

### **Environment**

*Problem: Lack of synergies with environmental legislation resulting in an inefficient control system.*

The problem is not significant in the Finnish circumstances from the point of view of fisheries administration. The views of the environmental administration remain to be found out and we will get back with coordinated positions later.

## Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to extend the control of fishing restricted areas to all marine protected areas (listed under RFMOs, Birds Directive, Habitat Directive).*

- 1. Establishment of minimum requirements for the control of fishing restrictions due to environmental obligations, e.g. by extending the scope of existing Article 50.*

The control of environmental legislation should be prescribed in the environmental legislation. It is up to Member States if they wish to seek synergies via mandating the fisheries inspectors to control also the environmental legislation. It would be most unclear to

prescribe the fisheries part of the control of the environmental legislation in fisheries legislation.

2. *Additional provisions would be defined at national or regional basis.*

### **Market control (and traceability)**

*Problem: Traceability of fishery products is not effective and the type and level of implementation is uneven across the Member States. In addition, the current system is exclusively designed for EU fishery products, and does not allow the use of certain data on imported fishery products from Third Countries.*

#### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to clarify the provisions and establish an EU wide based system.*

1. *Clarify definitions and provisions, including the objective of traceability and its use (market control purposes vs information to consumers). Add requirement of unique trip identifier.*

In the current legislation (1224/2009, Art. 58) consumer information is presented among the traceability requirements. From some point of view it is a bit confusing, as e.g. the commercial designation in the retail trade may in some cases differ from the name the fisherman has given to the fish caught (if several designations are allowed by Member State for the species). However, traceability should serve both market control and consumer information.

The concept of unique trip identifier is unclear. So far unique lot identifier has been the basis for planning the system in Finland.

2. *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.*

In Finland there is a private pilot project planned for year 2018. Only when it has been completed it is possible to evaluate the feasibility of digitalised system. However, we now have functioning system based on the current rules which allow also the use of paper documents. It is not wise to demand the use of digitalised system especially for the small-scale fishers.

3. *An EU – wide system is established.*

The sector is finally on the edge of being able to follow the traceability requirements after several years of struggling. It would be surprising to start planning an EU-wide system now that the current system is just starting to run in practise. Traceability should be seen as an obligation to the sector, not as a service offered to the sector by national or European public sector.

*Amend the Control Regulation so to apply it to products from Third Countries (Option 3)*

1. *Remove derogation for products from Third Countries.*

The idea sounds extremely challenging and it should not be high on priorities.

2. *As a result need to also digitalise the IUU catch certificate (see next point).*

The Commission has already started a digitalisation project for the IUU certificates and it is ongoing. It is very important that the Member States' existing IUU-systems can be linked easily to the Commission's central system.

## **Food and feed safety**

*Problem: Some definitions (e.g. risk management or audit) and general principles (cooperation rules, responsibility of operators) are not aligned with the food law, thus creating confusion and posing problems to the authorities when enforcing the fishery and the food and feed control legislations.*

The description of the problem is well grounded.

### Comments on possible specific actions presented by the Commission

*Amend the Control Regulation to better align it to the principles of the food law.*

- 1. Align the terminology and principles of Control Regulation with the food law;*

Finland will take position when the actual proposal is boarded but tentatively the idea seems good.

- 2. Introduce minimum cooperation rules and procedures between Member States and define the responsibilities of the food chain operators (using the same register as under food and feed law, see point B.3.4 above).*

Finland will take position when the actual proposal is boarded but tentatively the idea seems fine.

## **IUU**

*Problem: The IUU Catch Certification Scheme is paper-based and as a result it would not be compatible with a fully digitalised traceability system extended to imported products.*

The digitalisation of IUU certificates is clear improvement, although it is not necessarily advisable to extend the traceability system to imported products. Paper-based documents are easy to falsify when compared to digitalised ones and there is a risk that one paper document is used for several imported lots.

### Comments on possible specific actions presented by the Commission

*Amend the IUU Regulation to digitalise the IUU catch certificate. (Option 3)*

- 1. 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.*

The amendment is welcome.

## **EFCA Founding Regulation (Option 3)**

*Problem: Lack of alignment of the Founding Regulation with the Common approach on decentralised agencies, alignment with the CFP (LO, role of EFCA as regards the external dimension), alignment with the proposed amendments in the Control Regulation, need to follow-up on recommendations of the Administrative Board.*

## Comments on possible specific actions presented by the Commission

### *Amend the EFCA Founding Regulation to:*

- 1. Align it to the Common approach on decentralised agencies.*

No comment.

- 2. Clarify EFCA's mission and tasks as regards the external policy, and align them fully with the CFP. This would include: a) 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; b) allowing EFCA to coordinate among MS certain control schemes in RFMOs; and possibly c) clarify the future EFCA's coordination role when it comes to regional control measures in the framework of the landing obligation (see also point on landing obligation).*

While the external dimension of the CFP does not directly concern Finland, any increase in the EFCA's tasks in the external policy will lead to harmful consequences in either of the two ways: the budget of the EFCA would have to be increased or the activity of EFCA in EU waters would be decreased. It might be difficult to be in favour of either of the two scenarios.

- 3. Clarify the tasks of the Advisory Body and review the tasks of the Administrative Board.*

No comment.

- 4. 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.*

It is acceptable to ease the participation of Third Countries to the JDP's. Otherwise more detailed ideas should be presented before any comments on the rules can be presented. However, it is hard to think, for example, that Member States should be under more stringent obligation to assign control resources for JDP's when the budgetary constraints are all the time getting bigger.

- 5. Follow-up on ECA recommendation by requiring EFCA to set up an EU-wide system to exchange data on infringements and sanctions –and this beyond JDPs. Data accessibility will have to be designed carefully taking into consideration data confidentiality rules at EU/national level.*

EU-wide exchange system would hardly be cost-efficient and it is not recommendable to follow the ECA recommendation. Growing the EFCA budget for this requirement is not acceptable.

- 6. Possible role of EFCA in the EU-Fisheries Control Data Centre (FCDC) (see also policy option 2 point B.5 on data management and sharing at EU level).*

There is no current need for FCDC.