



Submission by Seas At Risk in relation to the revision of the Control Regulation

December 2017

We would hereby like to emphasise the need to close an important gap in the reporting of catches, the 50kg threshold in Art 14 (EC) 1224/2009.

Before going into the detail of the abovementioned topic, we would like to repeat our concerns regarding the revision process. As currently conducted, this process cannot be a substitute to the formal consultation procedure that the European Commission has the obligation to organise. Indeed, according to Article 11 of the Treaty on the European Union, "the European Commission shall carry out broad consultation with parties concerned in order to ensure that the Union's actions are coherent and transparent". Protocol No. 2 on the application of the principles of subsidiarity and proportionality further states that "before proposing legislative acts, the Commission shall consult widely".

These principles are further operationalised in the Better Regulation Guidelines<sup>1</sup>, in which it is clearly explained that for all legislative initiatives accompanied by an Impact Assessment, the European Commission should prepare a consultation strategy, including a mandatory 12 week internet-based public consultation and that this strategy should ensure that stakeholders' views are sought on all key impact assessment questions.

#### **On the 50kg threshold:**

Art 14 of (EC) 1224/2009 outlines that vessels above 10m overall do not have to record all quantities of all species caught and kept on board below 50 kg of live-weight equivalent.

During the discussions on the so-called Omnibus (OM) regulation in 2013 and 2014, the Commission already correctly proposed to close this gap with the aim of aligning existing legislation in general and the requirements for the Landing Obligation (LO) in particular.

The Commission outlined already back then correctly that "In order to ensure the implementation of the landing obligation Control Regulation (EC) 1224/2009 ... should be amended to ensure monitoring of the landing obligation; ... data on catches of all species shall be recorded irrespective of a weight threshold...".<sup>2</sup>

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<sup>1</sup> Commission Staff Working Document SWD 2017 (350) of 7 July 2017

<sup>2</sup> [http://eur-lex.europa.eu/resource.html?uri=cellar:017cc877-67c5-11e3-a7e4-01aa75ed71a1.0004.01/DOC\\_1&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:017cc877-67c5-11e3-a7e4-01aa75ed71a1.0004.01/DOC_1&format=PDF)

Both Parliament and Council rejected that part of the COM proposal despite that such an exemption was not intended or included by the co-legislators in the CFP Basic Regulation. This exemption seriously impacts the scientific information available for stock assessments and the objective of achieving a fully documented fisheries management as foreseen in Article 15(1) of the CFP Basic Regulation. It has been highlighted by STECF which supports fully document fisheries. In its plenary 2014-2 report, it states<sup>3</sup>: “Unreported removals are associated with the allowances under ... article 14 (1&4), which exempts the mandatory recording in logbooks of catches of all species less than 50kg” and “...under the landing obligation with a request for full documentation and with provisions for exemptions and de minimis defined at percentages, the current scope needs to be expanded to improve resolution in terms of catch reporting (e.g. catches <50kg); inclusion of vessels not currently covered (e.g. under 10m) and; information at an individual operational level (e.g. haul)”.

The Commission itself has highlighted at the European Parliament hearing on the state of play of the implementation of the LO in June 2017 that one of the main challenges is the “lack of data”, as “MS Reporting has been more qualitative than quantitative; discard rates and comparative data for quantitative analysis are still missing or possibly deteriorating – this affects scientific advice but also our ability to evaluate the implementation of the LO”<sup>4</sup>.

In the light of the above, we urge the Commission to reintroduce the respective modification of the Control Regulation and delete the current 50 kg threshold as foreseen already in the Omnibus proposal of 2013 to allow for a fully documented fishery.

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<sup>3</sup> [https://stecf.jrc.ec.europa.eu/c/document\\_library/get\\_file?uuid=9894756b-1b5b-431e-9966-99005cd3d0b2&groupId=43805](https://stecf.jrc.ec.europa.eu/c/document_library/get_file?uuid=9894756b-1b5b-431e-9966-99005cd3d0b2&groupId=43805)

<sup>4</sup> [http://www.europarl.europa.eu/cmsdata/117542/Veronika%20Veits\\_DG%20Mare.pdf](http://www.europarl.europa.eu/cmsdata/117542/Veronika%20Veits_DG%20Mare.pdf)