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Ministry of Enterprise and Innovation
Department for Business, Competition and
Agriculture, Division for Fisheries, Game
Management and Reindeer Husbandry

Working Document

Preliminary consideration on the new initiative PLAN/2017/1111
Fisheries Control System

- *Written comments from Sweden*

Background

The Commission launched a political initiative to review the Control Regulation (hereinafter CR) in June 2017.

During the Expert group on Compliance, 5 July 2017, Member states were invited to submit written comments to the Commission on the *Working Document Preliminary consideration on the new initiative PLAN/2017/1111 Fisheries Control System (hereinafter referred to as the Working document)*. The Working document includes three policy options as well as a list of elements for discussion.

Sweden welcomes the initiative from the Commission to review the control regulation. The analysis needed to provide in-depth answers to all elements of the working document has not been carried out to date. However, Sweden would like to give the following initial and preliminary comments.

General

Sweden supports the Commission as to the need for a uniform, harmonised and comprehensive fisheries control system at EU level to create equal conditions (level playing field) among fisheries operators and authorities. The need for adaptations or additional control measures at the regional level should be investigated further.

When moving towards a more cost-effective and strengthened regulation it is important to Sweden that a holistic approach is taken and that provisions that become obsolete are being removed.

Regarding the policy options presented, Sweden is in favor of option 2 or 3 of the Working paper. More analysis is needed to assess whether option 3 would be necessary or whether a combination of the two options would provide a better form for the revision. For these reasons, Sweden encourages the Commission to include option 2 and 3 in the initial impact assessment.

Elements for discussion

1. Alignment with the CFP

Last-haul analyses and catch recordings indicate that the landing obligation of the CFP is not being properly implemented at the moment. Based on experience in EU pilot projects and in fisheries outside the EU, it is evident that control and enforcement of the landing obligation need to be conducted continuously at sea to be effective. The tools currently available for this purpose are costly and can create data confidentiality concerns. Technical specifications and confidentiality rules would therefore be helpful in the implementation. It is important that a risk and cost efficient approach is taken, and the over-arching goal of all measures introduced should be to obtain an efficient, fit-for-purpose control system, adjusted to the CFP and particularly to the landing obligation, i. a. through the introduction of new technical solutions and IT-based tools. At the same time the alignment to the CFP should be done with consideration for the aim to

decrease fishermen's administrative burden and to avoid duplication of regulations.

2. Monitoring and control of small scale fisheries

Information on catches and fishing activities forms the basis for fisheries management and stock assessment. It is therefore of utmost importance that data are reliable and complete throughout the EU and for all vessel sizes.

Sweden is currently applying a catch journal for coastal and small-scale fisheries for reporting of catches for all vessels exempted from the logbook requirement. It contains information of species, gears and fishing dates etc. The information is submitted to the fisheries agency monthly. In fisheries where quotas are small and the fishery usually closes early in the year, electronic catch-reporting is applied within 48 hours of the last fishing operation. The electronic reporting is web-based and accessible via the fisheries agency. Sweden aims at making all catch reporting electronic.

In the light of the increasing number of MPAs (sometimes located close to shore) the need for position information as well as accuracy has increased. It needs to be assessed whether VMS is effective for smaller vessels or for vessels fishing in the vicinity of MPAs. Alternative options such as AIS, mobile phone applications etc. should be investigated.

3. Sanctions, serious infringements and point system

The current legislation regarding sanctions, serious infringements and the point system leaves room for miss- and arbitrary interpretation and needs to be reviewed.

Furthermore, the relationship between fishing authorisations, fishing licences, the point system and suspending/withdrawing a fishing authorisation is confusing.

In the point system, the fishing licence holder/vessel and the master of the vessel can be assigned points for serious infringements. The fishing

authorisation is not affected by the point system. If the master commits a serious infringement, Member States may suspend or withdraw the fishing authorisation, according to Article 45.4 of the IUU Regulation. But, article 6.3-4 of the Control Regulation states that the flag Member State in such instances shall suspend temporarily or withdraw permanently the fishing licence of the fishing vessel in question. As a withdrawal of the fishing licence shall be made by applying the point system for holders of fishing licences, it is not possible to withdraw a fishing authorisation at earlier stages of the procedure. Consequently, it might in practice almost be impossible to withdraw a fishing authorisation, although such an action might appear desirable.

There seems to be different interpretations regarding Article 17 of the Control Regulation, concerning (1) when a master of a union fishing vessel of 12 metres' length overall or more is regarded to be 'engaged in fisheries on stocks subject to a multiannual plan' and (2) if application is based solely on weight of certain species on board, if the Control Regulation allows Member States to specify what weight (above 0,1 kg). This leads to different applications of Article 17 in different Member States, which has negative consequences for the masters and fishing licence holders as well as the authorities, and has consequences when considering sanctions, serious infringements and the point system.

4. Data (exchange/share/access to info)

Regarding an effective risk analysis, Sweden emphasises the importance of data exchange at EU level, in particular between flag and coastal state. The rules already exist but they need to be better implemented in order to be useful. Progress also needs to be made on an electronic inspection-report, as inspection data is crucial for a comprehensive risk analysis.

In addition, there is a need to improve the technical aspects of data exchange. For example:

- The handling and exchange of transport documents must be ensured. It is important that these documents can be exchanged electronically.
- There is currently no standardized format for how an IUU catch-certificate should be structured in a machine-readable way. Nor is there any protocol for how an electronic exchange should take place. This means that for each country an MS needs to exchange catch certificates with, a specific development effort is required which is expensive and difficult to manage.
- Better project management. After several years, some MS have still failed to meet the information-exchange dates agreed, resulting in the need for MS who have complied to run two systems in parallel (the old and the new).
- Greater focus on reuse. Today, MS are given the same legal requirements for developing support for electronic information exchanges and each MS has to develop essentially the same system to solve the task. It is important for future development that developed systems are open-source and available for other MS.

5. Traceability

Digital information transfer demands comprehensive legislation and standards in order to fulfil control regulation requirements for data disclosure. In the national implementation of a traceability system, Sweden has come across shortcomings in the legislation and international standards.

The different policy areas currently regulate certain key issues in different ways. This includes which operators are concerned, and what exemptions exist. The lot concept, which is central to traceability, is also defined differently in the Control Regulation, Market Regulation and Food Regulations, respectively.

There is a gap in the provisions concerning imported lots that are exempted from the information requirements in article 58 when mixed with lots covered by the requirements of the control regulation and /or implementing regulation.

In order to facilitate the coordination of implementation in member states, the master registers maintained by the EU Commission should be supplemented with records supporting digital management of traceability information.

6. Weighing

Sweden encourages a revision of the provisions concerning the weighing requirements. Catch and landings data forms the basis for fisheries management and stock assessment and it is crucial that they are reliable and complete.

The current system with national sampling plans is not facilitating a level playing field between MS and complicates landings inspections of foreign vessels.

The 10 % margin of tolerance in pelagic unsorted landings is difficult to follow-up on a species-level. In addition Sweden questions the purpose and usability of the weighing journal.

7. Recreational fisheries

In general, recreational fisheries should be regulated at national level. EU regulations should be considered only in specific cases, when it is considered that such regulations could bring an added value.

8. Simplification

As stated above, Sweden encourages the Commission to apply a holistic approach for the revision in which obsolete provisions are removed. Removing unnecessary (less efficient) provisions simplifies the regulation. Exemptions from the main rules are sometimes necessary but should be kept to a minimum in the light of simplification and level playing field.

9. Coherence with other policies (ENV/MARKET/IUU)

Sweden will provide comments to this point at a later stage.

10. EFCA mandate

Sweden supports the results from EFCA's evaluation report¹ regarding the alignment of EFCA's mission and tasks with recent and possible future developments in the Common Fisheries Policy (CFP), notably the landing obligation, regionalisation, measures to combat IUU fishing and the external dimension of the CFP.

¹ *EFCA Advisory Board recommendations regarding the 5 year independent external evaluation of EFCA (2012-2016).*