



WWF Preliminary Recommendations for the Revision of the Control Regulation

WWF appreciates the opportunity to comment on the Inception Impact Assessment informing of the European Commission's plans to revise the EU's Control Regulation.¹

In the first instance, we must reiterate our position outlined in a joint statement submitted together with several other environmental organisations on the online feedback platform on 30 October 2017. In this joint position we highlight our serious concerns regarding the proposed fast-track revision process of the Control Regulation, and particularly the Commission's intention to skip a standard and open stakeholder consultation and substitute it instead by "targeted consultation", in clear contradiction with the European Commission's own Better Regulation Guidelines. WWF believes that the intention to fast-track the consultation process is not only in breach of Article 11 of the Treaty on the European Union, but it also jeopardises the integrity of the Control Regulation itself. As the key legislative text outlining monitoring, control and surveillance procedures for the EU's fishing fleet, it is imperative that the, in many cases, complex standards provided in the Control Regulation – which actively contribute to the effective and harmonised implementation of the Common Fisheries Policy (CFP)– are only strengthened, and in no way weakened during a hastened revision process. Concurrently, it is also vital that any measure proposed by the revised legislative text is thoroughly considered by those who will implement them –i.e. the Member States and the EU fishing and seafood sector– and thus sufficient time is provided to ensure appropriate input from all stakeholders.

Having said this, we take the opportunity to also provide below, a set of preliminary, general recommendations for how the Regulation's high standards can be maintained or even strengthened. We hope the European Commission will reconsider its timeline for the revision of this Regulation so that we are able to provide more specific recommendations at a later stage.

1. Ensure a level playing field: no regionalisation of fishing control rules

A level playing field is critical to guarantee that the same control standards apply to different fisheries and fleet segments, in different Member States and in different maritime regions. The CFP tries to address the diversity of fishing operations across the EU through a regionalised approach to fisheries management, under which Member States with a direct management interest may adopt joint recommendations for achieving the conservation objectives of the CFP. While regionalisation

¹ Council Regulation 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy

might work for a number of instruments such as multiannual plans or the adoption of technical measures, all fisheries should still be subject to common standards and formal processes of control, so they can be equally accountable and transparent across the EU. For example, it is crucial that actions taken following an identified infringement are applied equally across the EU, and equally to vessels flying under a third country flag fishing in the EU, thereby preventing discrimination and unfair competition. Under no circumstances, therefore, should the European Commission consider any regionalisation of the EU fishing control rules, as this would undermine the purpose of the Control Regulation to create a level playing field for fishing operators.

2. Strengthen measures related to the control of the landing obligation

Various analyses^{2 3} have come to the conclusion that the implementation of measures of the Control Regulation within Member States is lagging behind, especially with regard to prosecution and sanctions imposed for infringements against the landing obligation. Also the harmonisation of sanctions across Member States is so far insufficient. Both aspects endanger the goal of the landing obligation to reduce the amount of discards. Even more so, the lack of implementation and continued practice of now illegal discarding reduces the quality of scientific assessments, which overall endangers the success of the reformed CFP. For the stringent and effective application of the landing obligation it is vital to ensure coherence of the Control Regulation with the landing obligation provisions of the CFP. To allow for this, the Control Regulation needs to be thoroughly revisited to find suitable and efficient measures which safeguard the timely application of the rules within Member States. In this context a level playing field across Member States is vital and has been repeatedly asked for by stakeholder groups such as the NSAC⁴. A reduction in the number of derogations would be especially helpful within this context, as would be the elimination of ambiguous wording. One of the major problems within the prosecution of infringements against the landing obligation is often enough the lack of legally valid proof of illegal discarding. In most cases only indirect evidence for an infringement exists. WWF recommends that with the revision of the Control Regulation, control mechanisms are installed that warrant a reliable and legally valid determination of potentially illegal discarding, both qualitatively as well as quantitatively. Here for example remote electronic monitoring can be a cost-efficient solution⁵.

3. Strengthen monitoring, control and surveillance (MCS) requirements for small scale fisheries (SSF)

Monitoring of all fishing vessels, regardless of the length or gear used, is key to ensure effective management measures in EU waters. The Mediterranean Sea, where 93% of assessed fish stocks are estimated to be overexploited, represents a clear example of a region where effective enforcement and control mechanisms have seriously failed. This is mainly due to the lack of political will to implement good monitoring, control and surveillance (MCS) and the lack of a culture of compliance, but also because the specific rules applying to vessels smaller than 12 meters are not fully suitable in the current legislation. This poses a threat to the quality of stock assessments, as smaller vessels are

² Commission Staff Working Document SWD (2017) 134 final. REFIT Evaluation of the impact of the fisheries regulation

³ Client Earth (2016). Slipping through the net – The control and enforcement of fisheries in England, France, Ireland and Poland

⁴ <http://www.nsrac.org/wp-content/uploads/2016/12/04-1617-20161215-Monitoring-and-Control-under-the-Landing-Obligation.pdf>

⁵ http://assets.wwf.org.uk/downloads/fisheriesmanagement__2_.pdf

also capable of catching significant quantities. In order to address this challenge, a level playing field needs to be established. Unless all fleet segments are equally monitored (i.e. using measures and tools with equal effectiveness), fisheries with higher levels of monitoring will feel discriminated. For this reason WWF suggests to treat all fleet segments and vessels equally, using equally effective monitoring and control methods throughout all fleet segments according to the fisheries operations and their characteristics.

In this context, WWF believes that small scale fisheries are not necessarily a synonym for low impact fisheries, and their operations need to be properly assessed, monitored and controlled to guarantee that their impacts are accurately accounted for. Improving monitoring of all fishing vessels, as the case in Andalusia (Spain)⁶, where all vessels below 12m currently use greenbox, would be key in terms of controls. This tool is also very helpful to gain a clear picture of fishing effort to implement effective multiannual management plans for fish stocks in the EU.

Due to the nature and dispersal of small scale fisheries (especially in the Mediterranean or Macaronesia islands), realistic approaches to, and requirements for MCS, which take into account the realities of small scale fisheries (i.e. % of discards, vessel sizes, income, insularity, etc.) should be developed, in collaboration with enforcement agencies, scientific organisations, the small scale fisheries sector and civil society organisations – and these requirements should be included in the revised Control Regulation text.

Furthermore, a culture of compliance needs to be developed in conjunction with necessary capacity building and knowledge regarding the scientific basis of fisheries legislation (e.g. many fishers do not understand the rationale behind minimum landing sizes because of lack of knowledge regarding fish sex changes at certain age and length). WWF sees a potential role of the European Fisheries Control Agency in this regard, as it could contribute to developing specific MCS guidelines and providing capacity building to MS authorities for this segment of the fleet.

4. Strengthen rules for recreational fisheries in the case of shared stocks

Very few qualitative and quantitative assessments have been undertaken on recreational fishing activities, especially in terms of the socio-economic importance and environmental impacts, and this is particularly true for the Mediterranean Sea region. Despite the lack of scientific data, recreational fishing in the Mediterranean Sea is estimated to account for more than 10% of the total fish removal. An analysis of 15 coastal marine protected areas in Spain, France, Italy and Turkey showed that total recreational fishing catches in some coastal areas can represent between 10% and 50% of the total catches of small-scale fishing (excluding trawls and seines)⁷. WWF believes that recreational fishing licensing should be a solid process that ensures that recreational fishermen are well aware of the legislation as well as the scientific rationale behind it, in particular in the case of shared stocks. This should take place in parallel with effective MCS schemes, which ensure that MS are regularly monitoring the catch effort of recreational fisheries and incorporate this information in their fisheries resource management schemes. On this basis, WWF recommends that a revision of the Control Regulation should outline stricter guidelines for the monitoring and management of recreational fishing, including outlining rules for licensing and catch reporting procedures, and a

⁶ <http://www.juntadeandalucia.es/organismos/agriculturapescayderosarrollorural/areas/pesca-acuicultura/slsepa/paginas/caja-verde.html>

⁷ Font T., Lloret J., Piante C., 2012. Recreational fishing within Marine Protected Areas in the Mediterranean. [pdf] MedPAN North Project. WWF France

recommendation to develop regional guidelines for this activity (e.g. minimum landing sizes, gears and catch limitations, restricted areas and times).

5. Improve and clarify seafood traceability requirements

The current Control Regulation requires traceability of, and availability of product information along the supply chain for, seafood products. These requirements have since been updated in the new Common Organisation of the Markets regulation⁸ (CMO) during the reform of the CFP, including increasing requirements regarding the information to be provided to the more than 500 million European seafood consumers, and requiring Member States to undertake verifications along the seafood supply chain.

However, seafood traceability requirements outlined in the current Control Regulation are not entirely clear, and there are no set guidelines as to how Member States and operators should implement these provisions. Considering that this is another key area of the Control Regulation that has been poorly implemented, WWF recommends that the revised Control Regulation should provide more clarity on the requirements for seafood traceability. In particular, in this modern, digital era, and with fast evolving technologies, there is no reason why EU Member States should not work with digital traceability tools. As such, WWF recommends that the revision of the Control Regulation takes into account the existing best practices across the EU and adopt clear mandatory requirement for the use of digital seafood traceability systems.

In implementing this digital requirement, the European Commission should keep in mind the need to progress towards regionally and globally interoperable data collection, storage and sharing systems. As such, there should be thoughts to link any possibly EU endorsed digital traceability systems with existing initiatives and platforms, for the purposes of data exchange and verification – for example, the EU-wide database of catch certificates currently being established within the TRACES system, and the MARSURV operational fisheries control coordination tool, among others. Indeed, digital traceability tools should allow and ensure rigorous data verification possibilities and functions, including allowing for third party auditing.

Finally, the revised Control Regulation should outline more specifically the key data elements required to be able to establish the traceability, and the legal and sustainable provenance of seafood products from ‘boat to plate’ for more than 500 million European consumers entitled to. WWF has developed specific guidelines on this specific issue (“Traceability Principles for Wild-caught Fish Products” available online [here](#)), which we encourage the European Commission to uptake during the drafting of the revised text.

⁸ Regulation (EU) No 1379/2013 of the European Parliament of the Council on the common organisation of the markets in fishery and aquaculture products