



EUROPEAN COMMISSION

Brussels, 30.5.2018
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REGULATORY SCRUTINY BOARD OPINION

**Proposal for a
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Council Regulation (EC) No 1224/2009, and amending Council Regulations
(EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No
2016/1139 of the European Parliament and of the Council as regards fisheries control**

COM(2018) 368 final
SWD(2018) 279 final
SWD(2018) 280 final



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2018)

Opinion

Title: Impact Assessment / Revision of the Fisheries Control System

(version of 10 January 2018)*

Overall opinion: POSITIVE

(A) Context

The Common Fisheries Policy (CFP) is a set of rules designed to manage a common resource. It covers the conservation of living aquatic resources and management of the European fishing fleet, and aims to secure sustainable fisheries in the EU. Four regulations govern most of the control and enforcement aspects of the CFP. These are collectively known as the Fisheries Control System (FCS).

A recent REFIT evaluation found that the FCS has delivered several benefits. It also identified some shortcomings. The legislation has not yet been fully implemented as intended, and contains exemptions that may get in the way of achieving CFP objectives. It is not well harmonised with control provisions in other legislative acts. The Council, the Parliament and the European Court of Auditors reportedly agree that the FCS is not entirely fit for purpose.

The impact assessment considers legislative changes to make enforcement more effective and efficient.

(B) Main considerations

The Board gives a positive opinion, with a recommendation to further improve the report with respect to the following key aspects:

- (1) The report does not present sufficiently the links between the Common Fisheries Policy, control system and other policies.**
- (2) The baseline does not assume full enforcement of existing policies as it should be under a "no policy change" scenario.**
- (3) Several important elements of the problems are not sufficiently clear. The report does not sufficiently explain relevant trade-offs with regard to social and environmental impacts.**

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Further considerations and recommendations for improvement

(1) The context of the initiative could be improved by adding information about the Common Fisheries Policy and how it links to the fisheries control system in terms of policy objectives and in practice. Also other initiatives could be more clearly linked, such as the ones mentioned in the introduction – Joint Communication on Ocean Governance, European Strategy for Plastics in a Circular Economy, Digital Single Market strategy and the Communication regarding outermost regions. It would be useful to clarify the scope after the presentation of the context by adding a figure that summarises how the system as a whole works and where there are problems.

(2) The problem definition and problem drivers could be better presented. The report might add more information about derivative problems, for example overfishing due to lack of enforcement of the landing obligation. Illustrative examples might also be useful. The report should reflect relevant regional considerations, e.g. on overfishing problems and differences in fishing fleet composition.

(3) The presentation of the baseline scenario should follow the Better Regulation Guidelines. The baseline should reflect a best projection of how things will evolve with no policy change. It should take into account how already decided or ongoing policy measures will be enforced. Option 1 should also be reconsidered in line with the new presentation of the baseline. Options 2 and 3 could also add sub-options to better address trade-offs of different policy choices across multiple objectives. The report could provide more detail on how the amendment of the EFCA founding Regulation and the IUU Regulation would improve enforcement in the seas with particular overfishing risks.

(4) Impacts could be further explored and explained. The intended positive impacts of the fisheries control system is to contribute to the general objective of the Common Fisheries Policy; healthy fish stocks and ecosystem, and a profitable industry. To provide more coherent and complete picture, the report should more rigorously elaborate on the environmental and social impacts of the (preferred) options.

(5) Stakeholder views about various measures could be better reflected. This would help to indicate where changes may prove disruptive or otherwise relatively hard to implement.

(6) The report could more clearly specify operational criteria for success, and indicate how data for indicators would be collected and presented,

(7) The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG shall ensure that the recommendations of the Board are taken into account in the report prior to launching the interservice consultation.

The attached quantification tables may need to be adjusted to reflect any changes in the choice or the design of the preferred option in the final version of the report.

Full title	Proposal for a Regulation of the European Parliament and of the Council Amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries controls
Reference number	PLAN/2017/1111
Date of RSB meeting	07/02/2018

ANNEX: Quantification tables extracted from the draft impact assessment report submitted to the Board on 10 January 2018

(N.B. The following tables present information on the costs and benefits of the initiative in question. These tables have been extracted from the draft impact assessment report submitted to the Regulatory Scrutiny Board on which the Board has given the opinion presented above. It is possible, therefore, that the content of the tables presented below are different from those in the final version of the impact assessment report published by the Commission as the draft report may have been revised in line with the Board's recommendations.)

An overview of the benefits for all the identified categories of stakeholders is provided in the Table I.

<i>I. Overview of Benefits (total for all provisions) – Preferred Option</i>		
<i>Description</i>	<i>Amount</i>	<i>Comments</i>
<i>Direct benefits</i>		
Enforcement	<ul style="list-style-type: none"> - Deterrent sanctions; - Improved compliance with CFP rules; - Equal treatment of fishermen. 	
Data reporting and management (e.g. digitisation, reporting of vessels <12m)	<ul style="list-style-type: none"> - Decreased administrative burden; - Future proof system; - Increased quality, reliability and availability of fisheries data; - Easier exchange of data between Member States and Member States and the Commission and EFCA; - Improved data for stock assessment; 	
Control of fishing capacity	<ul style="list-style-type: none"> - Reduction of overfishing. 	
Control of the landing obligation	<ul style="list-style-type: none"> - Reduction of discards. 	
Synergies with environmental legislation	<ul style="list-style-type: none"> - Control of marine protected areas. 	
IUU electronic certificate	<ul style="list-style-type: none"> - Ensure legality of fish imports (reduced fraud) 	
<i>Indirect benefits</i>		
All actions	<ul style="list-style-type: none"> - Healthier fish stocks 	Medium term
All actions	<ul style="list-style-type: none"> - Increased fishermen wages; - Increased EU fishermen competitiveness, especially for the small fleet; 	Short and (medium term); Commercial small scale fishermen will benefit from reduced unfair

	- Job created (especially in ICT).	competition of non-commercial fishermen
All actions	- General public will be indirectly affected, especially those consuming fisheries products, (better traceability, sustainability and thus security of fish stock supplies) -In addition, the proposal will bring about considerable cost savings and improved efficiency in controls, to the benefit of effective use of EU tax-payers' money	
All actions	-General public will be indirectly affected, especially those consuming fisheries products, (better traceability, sustainability and thus security of fish stock supplies) -In addition, the proposal will bring about considerable cost savings and improved efficiency in controls, to the benefit of effective use of EU tax-payers' money	

Table I: Overview of benefits for the preferred option (Option 3 relative to the baseline)

An overview of the costs associated for businesses and administrations is provided in table below. No costs (nor direct, nor indirect) have been identified for citizens.

II. Overview of costs – Preferred option (most likely costs in M€ over a 5 year period)							
		Citizens/Consumers		Businesses		Administrations	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
Control of the landing obligation	Direct costs					7.2*	
	Indirect costs						
Monitoring of the fishing capacity (engine power)	Direct costs			5.1*		-4.2	
	Indirect costs						

*reimbursable under EMFF – see section 1.3

Table II: Overview of costs for the preferred option (Option 3 relative to the baseline)

