

FINNISH VIEWS CONCERNING THE COMMISSION CONSULTATION ON CONTROL REGULATION

1. INTRODUCTION- CONTEXT

2. CONSULTATION

At this stage, the Commission's services have identified five potential areas for assessment

2.1. Promotion of the level playing field

2.2. Development of a culture of compliance and respect of the Common Fisheries Policy rules

2.3. New instruments of the Commission to ensure the implementation of Common Fisheries Policy by Member States

2.4. Simplification and reduction of administrative burden

2.5. Others

The online questionnaire consists of a short introductory part on identification of the respondents, followed by a series of questions on the topics above listed. The last three questions are open questions, allowing to provide more detailed comments.

2.1. Promotion of the level playing field

8. Has the implementation of standardised fisheries control procedures allowed to put Member States on an equal footing for the control of their fishermen?

We have certain doubts, that this is not a case, as the control and inspection procedures and structures in place are the duty of the MS. There are e.g. no definitions for fishery inspections at sea/during landing and it can be very time consuming or a very lightweight procedure.

9. Has the role of the European Fisheries Control Agency (EFCA) in developing methodologies and training material for fisheries inspections increased the degree of uniformity of fisheries control among Member States?

The work of EFCA in developing control methodology and training material has been valuable. The training material (EFCA Core Curriculum) has been recently finished and covers an extensive package of EU fisheries legislation. This package could perhaps be more regionally (e.g. Baltic) orientated to get all the benefits of it. Another problem with the package is that it is not translated to Finnish/Swedish -languages. Anyhow we see that we could use more this material in future.

10. Has the use of Vessel Monitoring System (VMS), Automated Identification System (AIS), Vessel Detection System (VDS) improved monitoring of vessel operations?

In general the VMS -technologies have supported more effective control and monitoring of fishing vessels as the fishing activities can be seen almost in real time and in a cost and time efficient way. The sharing the VMS- data between the MS and EFCA have also had a significant impact of monitoring vessels. The VMS data has benefitted in carrying out targeted vessel inspections at sea and also have facilitated time-lined

inspections during landings. AIS -data has been used sometimes in parallel with VMS, and has been in active use of inspectors as well. Finnish control authorities have no experiences of the VDS -technology. We believe that this technology might be useful in wide ocean areas. The EEZ zones are so limited in the Baltic Sea that other monitoring means are adequate.

11. Have certification and verification of engine power allowed to significantly reduce fishing efforts?

The control of engine power has no meaning in the conditions and fisheries of the Baltic Sea as the fishing is based on TACs and quotas and the effort is not a limiting factor when utilizing the fishery resources.

12. The Control Regulation forced the implementation of modern technologies. What is your opinion on the impacts of using an electronic system for data recording and data exchange?

Especially the sharing the VMS- and ERS -data between the MS and EFCA have had a significant impact of monitoring vessels and enables to create cost-effective control arrangements. In one hand the development of IT -systems, including the automated cross-checking, will probably in long run (we are not there yet) reduce costs and administrative burden of operators and control authorities, but on the other hand more complex IT-systems has increased the need for IT-support/helpdesk.

13. With regards to implementation of multiannual plans, do national control action programmes allow effective prioritisation of control measures?

The only multiannual plan concerns at the moment only cod in the Baltic Sea. Finnish cod fisheries and especially landings have been very scarce (<10 tonnes/year) to Finnish ports. In fact the national control action program for cod fisheries has been a paper document without effect on prioritizing control means.

14. In the current fisheries control regime the whole chain of production and marketing is covered, allowing a coherent and comprehensive control and traceability system of the products, from the catching to retail stage (from the net to the plate). What is your opinion on the current implemented system?

The traceability rules are too ambitious and complicated for operators to understand and to apply. The operators feel that the rules are unjustified as well. The rules should be comparable with the food safety rules. The rules are also applied to the aquaculture products and unregulated fish species in the Baltic. We see that this is not needed especially thinking of small scale coastal mostly fishing unregulated fish species without TACs and having a minor impact to illegal activities. Also the aquaculture producers think that the rules are unjustified as there is no "illegal aquaculture" at sea. Furthermore the third country importations of aquaculture and fishery products are not obliged with the same traceability rules.

15. Are the provisions of the Control Regulation adequate for the specificities of small scale fisheries?

No (see the comment above). Furthermore the vessels which are currently not obliged to use e-log-books should have an option to report their catch electronically (not by satellite connection).

16. Do flexibilities and derogations for the small scale fisheries segment of the EU fleet provided for in the Control Regulation undermine the level playing field among fisheries/Member States?

No, as the small scale fishing of regulated species is in minor role in the northern part of the Baltic. Cod landings have been very scarce (<10 tonnes/year) to Finnish ports. Finnish fishermen are reporting all salmon catches based on each fishing trip.

17. Small scale fisheries can have a significant impact on fish resources. Do you think the current measures are adequate for reaching the Common Fisheries Policy objectives?

The current measures are adequate from our perspective.

18. Recreational fisheries can have a significant impact on fish resources. Currently, specific provisions on recreational fisheries are in the remit of Member States with the obligation to collect and report catch data of stocks covered by a recovery plan. Do you think the current measures are adequate for reaching the Common Fisheries Policy objectives?

It is a fact that recreational fisheries can utilize a significant part of fisheries resources of certain stocks. Anyhow, we think that the current measures are mostly adequate.

2.2. Development of a culture of compliance and respect of the Common Fisheries Policy rules

19. Do you think there has been a change of behaviour in the fisheries towards better compliance with the Common Fisheries Policy rules since the Control Regulation has entered into force?

We do not have any evidences or facts that culture of compliance has enhanced since the Control Regulation was implemented. We think that it has been a quite good compliance among fishermen in the northern Baltic as the sentenced cases by the criminal proceedings have been 5-12 cases/year (2011-2014) in Finland. When a new sanctioning system was (with quite high administrative costs) introduced with administrative sanctions (1.1.2015) the infringement rate has substantially increased within the numerous cases of "minor infringements". We are not yet in the position that we could analyze changes of behavior towards better/worse compliance, but surely a minor infringement rate will decrease in the future.

20. In your opinion, has the new integrated approach to fisheries control contributed to a positive impact on the status of the EU fisheries stocks?

21. Do you think risk management improves the effectiveness of fisheries control?

We think that the risk analysis and risk management has been a successful approach to detect risky cases and has given better opportunities to target control resources with a cost-effective way.

22. Do you think the inspection target benchmarks for multiannual plans (listed in Annex I of the Control Regulation) are adequate for an efficient and effective control of fisheries?

We think that the inflexible target benchmarks are not necessary. We are in favor of risk-orientated approach not setting benchmarks like fixed percentages of landings to be inspected.

23. Specific Control and Inspection Programs (SCIPs) provided for in the Control Regulation are adopted by the Commission in concert with Member States, and are coordinated by the European Fisheries Control Agency (EFCA) through Joint Deployment Plans (JDPs). What is your opinion on the effectiveness of the SCIPs/JDPs?

The SCIPs and JDP's have been a good approach to proceed.

24. Does the role of the European Fisheries Control Agency (EFCA) in organizing operational coordination of control activities by Member States for the implementation of SCIPs contribute effectively to the uniform implementation of the control system?

We think that EFCAs coordinative work on JDP's and implementation of SCIPs has contributed effectively towards more uniform control measures in the MS.

25. The Control Regulation defines certain infringements of the rules of the Common Fisheries Policy as "serious infringements". Does the point system that could potentially lead to withdrawal of a licence in case of serious infringements have a sufficient deterrent effect?

We think that it has.

26. Do the sanctioning systems of the Member States have a sufficient dissuasive effect, leading to fewer infringements?

In fact the suspected infringement rate has notably increased in Finland with a new sanctioning system and administrative sanctions.

One practical problem is that the masters of vessels cannot obey the margin of tolerance -rule (10 %) as it is impossible for them to record correctly the species relations in mixed pelagic (bulk, RSW -tanks) fisheries especially when by catches of sprat are only few percentages. This problem has not been solved yet and the masters of vessels will most likely get and has already got administrative sanctions without any objective reason. It is crucial to Finland that this would be solved in the new legislation.

2.3. New instruments of the Commission to ensure the implementation of the Common Fisheries Policy by Member States

27. Do the increased powers of the European Commission in verifying Member States' control activities, performing audits and carrying out autonomous inspections increase the compliance attitude of Member States with the Common Fisheries Policy rules?

From our perspective the Commission has not yet fully used the possibilities of its increased powers. [We think that the autonomous or expected mission reports could be published (with MS remarks) as it is the case with DG SANTE missions.]

28. In case of identification from the Commission of systematic shortcomings in the control system of a Member State, action plans are established to address the deficiencies identified. Are those action plans an effective cooperative tool to end situations of systemic deficiencies in the control system of the Member States?

Finland is applying an action plan 2015-2018. The reporting of is half-year based and the Commission will closely follow by audit missions. We believe that the action plans are an effective cooperative tool to recover deficiencies in the control system.

2.4. Simplification and reduction of administrative burden

29. The reform of the Control Regulation system in 2009 allowed the merge of several different pieces of legislation covering different aspects of fishery activities. Do you think this has simplified the overall regulatory system?

The Control and Implementation Reg's include a large number of partially detailed rules they have caused a lot of national deliberations on how to implement the requirements of the legislation in practice. Since the human resources are very limited in the Finnish fisheries administration, we have had to (and still have to) prioritize between different tasks in developing our national administration to be able to implement the legislation properly. At the moment the attention should be on simplifying and improving the functionality and the conditions of the control systems at national and regional level.

30. The current control system relies on an intense collection, transmission, validation and exchange of data among different players. Do you think that in the long term, this system leads to less administrative burden than the previous "paper based" one?

In the long run the system might lead to less administrative burden, but we are not anywhere near there yet. In fact more complex IT-systems has increased a need for IT-support.

31. Do you think the development of common standards and templates for data exchange simplified the data collection and exchange for authorities?

Data exchange among MS is not possible without commonly agreed standards

32. Compared to the previous system of fisheries control, do the "harmonised procedures for communication" ? among Member States, between Member States and the Commission, and Member States and the European Fisheries Control Agency (EFCA) reduce the administrative burden associated to it?

This question is not understandable. The administrative burden has increased.

2.5. Others

33. A central objective of the new Common Fisheries Policy, which entered into force in 2014, is the progressive elimination of discards in all EU fisheries through the introduction of an obligation to land all catches. This is designed to make better use of the available resources, and responds to public pressure to end the practice of throwing marketable fish back into the sea. The Control Regulation was amended in 2015 to allow for the control of the new provision on landing obligation. Do you think the Control Regulation allow sufficient control of the landing obligation?

34. Does the Control Regulation allow Member States to comply with international obligations rising from the Convention on the Law of the Sea, Food and Agriculture Organisation Compliance Agreement and Regional Fisheries Management Organisations (RFMOs)?

35. Do you consider the current system of data sharing sufficiently transparent?

Yes it is.

36. In your view, what are the main strengths of the fisheries control regime?

The control legislation (including IUU -legislation) has promoted level playing field and understanding among MS and between the Member States, e.g. sanctioning systems. The development of ERS -and VMS systems has been very useful for exchanging the data and these systems are utilized effectively in daily control and monitoring tasks. In the first place the development of IT -systems, including the automated

cross-checking, will probably in long run reduce costs and administrative burden of operators and control authorities.

37. In your view, what are the main weaknesses of the fisheries control regime?

The Control and Implementation Reg's (+ IUU -legislation) form an extensive and a complex legal package with large number of partially detailed rules.

38. In your view, how could the above identified weaknesses being address?

As a general conclusion Finland is of the opinion that the current ambitious legislation should not be extended in the future. The attention should be on simplifying and improving the functionality and the conditions of the control systems at national and regional level. The principle of regionalization should be put into operation for control in the Baltic Sea region. This would serve best the main objectives of the EU control policy i.e. the efficiency and cost-effectiveness of control and monitoring in different sea-regions. In particular, the EU should avoid changing the rules of the complicated IT -systems. In Finland, like in many other Member States, the required IT systems are now running quite well, but we still have to improve the functionality of IT-systems and data sharing.