

# Public Consultation on the Evaluation of the Fisheries Control Regulation

Fields marked with \* are mandatory.

## Introduction

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Regulation (EC) N°1224/2009 on Fisheries Control (below the Control Regulation) establishes Union control systems for ensuring compliance with the rules of the Common Fisheries Policy. The Control Regulation entered into force on 1st January 2010, introducing major modifications with respect to the previous system, aiming at tackling the identified main issues of non-compliance with the Common Fisheries Policy.

Further information on the Fisheries Control Regulation is available at:

[http://ec.europa.eu/fisheries/cfp/control/index\\_en.htm](http://ec.europa.eu/fisheries/cfp/control/index_en.htm)

This public consultation is designed to support the evaluation of the Control Regulation, for assessing the impacts of the Control Regulation on the Common Fisheries Policy five years after the entry into force.

The evaluation will address a range of different themes, including whether the objectives of the Control Regulation are being delivered, and whether the requirements of the Control Regulation are effective and suitable to achieve the objectives of the Common Fisheries Policy.

This public consultation is an important part of the evaluation process to gather the views of the citizens and stakeholders on the themes addressed by the evaluation and will be complemented by targeted consultation of key stakeholders.

The questionnaire consists of a short introductory part on identification of the respondents, followed by a series of questions on the Control Regulation. The last three questions are open questions, allowing providing more detailed comments. The questions are structured around the following themes:

- Promotion of the level playing field
- Development of a culture of compliance and respect of the Common Fisheries Policy rules
- New instruments of the Commission to ensure the implementation of the Common Fisheries Policy by Member States
- Simplification and reduction of administrative burden
- Others.

Depending on the interest and background of those completing the questionnaire, not all of the questions need to be answered. However, you are encouraged to answer as many questions as possible and so support the evaluation of the Control Regulation.

Filling in the questionnaire should not take longer than 30 minutes.

If you find that there are many issues that the questionnaire does not allow you to raise, you are invited to send these by email to:

[MARE-FISHERIES-CONTROL@ec.europa.eu](mailto:MARE-FISHERIES-CONTROL@ec.europa.eu)

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## About you

\*1. Are you replying as ?

(Please select the group that represents you the best)

- Individual
- Fisher/Fish Farmer
- Fishing/Aquaculture association/organisation
- Retailer
- Retailer association/organisation
- Consumer association/organisation
- National authority**
- Local/Regional authority
- Academic/Scientist/Researcher
- Non-governmental organisation (NGO)
- European Institution
- International body
- Other

Specify

Please provide your contact details below:

\*Your full name

**Christopher Cousin**

\*Organisation represented

**Department of Fisheries and Aquaculture**

\*Email address

**Christopher.cousin@gov.mt**

\*2. What country are you from?

- AT - Austria
- BE - Belgium
- BG - Bulgaria
- CY - Cyprus
- CZ - Czech Republic
- DE - Germany
- DK - Denmark
- EE - Estonia
- EL - Greece
- ES - Spain
- FI - Finland
- FR - France
- HR - Croatia
- HU - Hungary
- IE - Ireland
- IT - Italy
- LT - Lithuania
- LU - Luxembourg
- LV - Latvia
- MT - Malta**
- NL - Netherlands
- PL - Poland
- PT - Portugal
- RO - Romania
- SE - Sweden
- SL - Slovenia
- SK - Slovakia
- UK - United Kingdom
- Other

Specify

3. If you are representing a company/enterprise, what is the size of the company you represent?

- > 250 employees (Large Enterprise)
- > 50 and < 250 employees (Medium)
- > 10 and < 50 employees (Small)
- < 10 employees (Micro)

4. If you are representing an association/organisation, how many members does your association/organisation represent?

In the interests of transparency, the Commission asks organisations that wish to submit comments in the context of public consultations to provide the Commission and the public at large with information about whom and what they represent by registering in the Transparency Register and subscribing to its Code of Conduct. If an organisation decides not to provide this information, it is the Commission's stated policy to list the contribution as part of the individual contributions (Consultation Standards, see COM (2002) 704; Better Regulation guidelines, see SWD (2015) 111 final and Communication on ETI Follow-up, see COM (2007) 127).

If you are a registered organisation, please indicate below your Register ID number when replying to the online questionnaire. Your contribution will then be considered as representative of the views of your organisation.

If your organisation is not registered, you have the opportunity to register now. Then you can return to this page, continue replying to the questionnaire and submit your contribution as a registered organisation.

It is important to read the specific privacy statement attached to the announcement of this public consultation for information on how your personal data and contribution will be used.

For registered organisations: please indicate here your register ID number

\*5. Please choose one of the following options on the use of your contribution:

(Note that, whatever option chosen, your answers may be subject to a request for public access to documents under Regulation (EC) N°1049/2001)

My/our contribution,

Can be directly published with my personal/organisation information (I consent the publication of all information in my contribution in whole or in part including my name/the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)

**Can be directly published provided that I/my organisation remain(s) anonymous (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.**

Cannot be directly published but may be included within statistical data (I understand that my contribution will not be directly published, but that my anonymised responses may be included in published statistical data, for example, to show general trends in the response to this consultation)

\*6. Finally, if required, can the Commission services contact you for further details on the information you have submitted?

Yes  
 No

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## Promotion of the level playing field

Level playing field is a concept aiming at fair competition and equal treatment of people working in the same market by establishing a harmonised set of rules as well as harmonised enforcement and control mechanisms. In this context, it relates to critics to the previous fisheries control system, where it was claimed that the rules of the Common Fishery Policy and its control were applied in different ways in the different Member States, creating disparities and inequalities among the various players.

7. Has the implementation of a global and integrated approach of the fisheries control ("from the net to the plate") increased the degree of level playing field among Member States?

- Yes, to a great extent
- Yes, but only partially**
- No
- No opinion

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

- Yes, to a great extent
- Yes, but only partially**
- No
- No opinion

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?

- Yes, to a great extent**
- Yes, but only partially
- No
- No opinion

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

- Yes, significantly**
- Yes, but only partially
- No
- No opinion

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

- Yes, to a great extent
- Yes, but only to a minor extent
- No
- No opinion**

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?

Please indicate how strongly you agree or disagree with the following statements:

|   | Strongly disagree     | Disagree              | Agree                               | Strongly agree                      | No opinion            |
|---|-----------------------|-----------------------|-------------------------------------|-------------------------------------|-----------------------|
| The use of Electronic Reporting System (ERS) increased the general quality of data collected (especially in terms of completeness, and consistency) | <input type="radio"/> | <input type="radio"/> | <b>Yes</b><br><input type="radio"/> | <input type="radio"/>               | <input type="radio"/> |
| VMS/AIS/VDS allow crosscheck of reported fishing activities, thus improving reliability of data collected   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>               | <b>Yes</b><br><input type="radio"/> | <input type="radio"/> |
| Prompt submission of catch data allows a more efficient and effective planning of inspections   | <input type="radio"/> | <input type="radio"/> | <b>Yes</b><br><input type="radio"/> | <input type="radio"/>               | <input type="radio"/> |
| Thanks to the validation system, catch data is more reliable, complete and consistent   | <input type="radio"/> | <input type="radio"/> | <b>Yes</b><br><input type="radio"/> | <input type="radio"/>               | <input type="radio"/> |
| The electronic system for data recording and data exchange facilitates the communication among Member States  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>               | <b>Yes</b><br><input type="radio"/> | <input type="radio"/> |
| The electronic system for data recording and data exchange supports cooperation and coordination of activities among Member States                  | <input type="radio"/> | <input type="radio"/> | <b>Yes</b><br><input type="radio"/> | <input type="radio"/>               | <input type="radio"/> |
| The electronic system for data recording and exchange facilitates the communication between Member States and the Commission                        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>               | <b>Yes</b><br><input type="radio"/> | <input type="radio"/> |
| The electronic system for data recording and data exchange is a cost effective measure in the management of the control policy                      | <input type="radio"/> | <input type="radio"/> | <b>Yes</b><br><input type="radio"/> | <input type="radio"/>               | <input type="radio"/> |

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

- Yes, significantly**
- Yes, but only to a minor extent
- No
- No opinion

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 the retail stage (from the net to the plate). What is your opinion on the current implemented system?

Please indicate how strongly you agree or disagree with the following statements:

|   | Strongly disagree     | Disagree              | Agree                 | Strongly agree                   | No opinion            |
|---|-----------------------|-----------------------|-----------------------|----------------------------------|-----------------------|
| Inspections at sea are still of great importance as they allow to detect possible infringements otherwise not detectable  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <b>yes</b> <input type="radio"/> | <input type="radio"/> |
| The holistic approach of inspection at sea and on land (at port, in transport, process factories and markets) increases the enforcement of the Common Fisheries Policy  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <b>yes</b> <input type="radio"/> | <input type="radio"/> |
| The system allows a better quality (completeness, reliability and consistency) of catch data collected by Member States' authorities  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <b>yes</b> <input type="radio"/> | <input type="radio"/> |
| The integrated system (logbooks, landing declaration, sales notes, transport documents) facilitates the interoperability of national systems (e.g. when a product is landed in one country and first sold in another) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <b>yes</b> <input type="radio"/> | <input type="radio"/> |
| The system helps in minimising fraud between the catching stage and the retail stage  | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <b>yes</b> <input type="radio"/> | <input type="radio"/> |

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

(Multiple choice)

- Yes
- Only partially as some of them are hardly enforceable**
- Only partially as some of them are not applicable
- No
- No opinion

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 ?

- Yes, to a great extent
- Yes, but only in minor cases
- No**
- No opinion

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?

- Yes, to a great extent
- Yes, but only partially**
- No
- No opinion

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 to 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?

- Yes
- No, provisions of recreational fisheries shall be standardised at European level**
- No opinion

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

A culture of ethics and compliance is at the core of each policy and legislation. Fisheries were criticised in 2007 for not fully complying with the rules of the Common Fisheries Policy. One of the aims of the new control fisheries system was to promote a culture of compliance among the different stakeholders involved in the full range of fishing activities (catching, processing, distribution and marketing).

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?

(Multiple choice)

- Yes, to a great extent for all players
- Yes, especially for fishermen**
- Yes, especially for operators in the retail marketing
- Yes, but only partially
- No
- No opinion

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?

- Yes, to a great extent
- Yes, but only to a minimal extent**
- No
- No opinion

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

- Yes, to a great extent
- Yes, but only in the control of multiannual plans
- Yes, but to a minimal extent**
- No opinion

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?

- Yes, to a great extent
- Yes, but the inspection target benchmarks could be more ambitious
- No, the inspection target benchmarks are not adequate to measure the effective and efficient control for fisheries
- No opinion**

23. Specific Control and Inspection Programmes (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?

Please indicate how strongly you agree or disagree with the following statements:

|  | Strongly disagree     | Disagree              | Agree                                | Strongly agree                       | No opinion            |
|--|-----------------------|-----------------------|--------------------------------------|--------------------------------------|-----------------------|
| SCIPs/JDPs are conducted on the basis of a consistent risk management  | <input type="radio"/> | <input type="radio"/> | <input checked="" type="radio"/> yes | <input type="radio"/>                | <input type="radio"/> |
| SCIPs/JDPs are effective instruments to promote standardisation and level playing field among Member States                        | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>                | <input checked="" type="radio"/> yes | <input type="radio"/> |
| SCIPs/JDPs help improving the collaboration between Member States, the Commission and the European Fisheries Control Agency (EFCA) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>                | <input checked="" type="radio"/> yes | <input type="radio"/> |
| The fisheries covered by the current SCIPs/JDPs are relevant   | <input type="radio"/> | <input type="radio"/> | <input type="radio"/>                | <input checked="" type="radio"/> yes | <input type="radio"/> |

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

- Yes, to a great extent**
- Yes, but only in some specific cases
- No
- No opinion

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?

- Yes, in all Member States**
- Yes, but only in some Member States
- No
- No opinion

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

- Yes, to a great extent for all types of infringements
- Yes, but only for "serious infringements"**
- Yes, only for other than "serious infringements"
- No
- No opinion

## 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?

- Yes, to a great extent**
- Yes, but only partially No
- No opinion

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?

- Yes, to a great extent**
- Yes, but only to a minor extent
- No
- No opinion

## 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?

- Yes, to a great extent**
- Yes, but only to a minor extent
- No
- No opinion

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"?

(Multiple choice)

- Yes
- Yes, in particular as regards the collection of data
- Yes, in particular as regards the analysis and validation of data
- Yes, in particular as regards the exchange of data
- No
- No opinion

Please explain why in the box comment below

300 character(s) maximum

**Data management is simplified in terms of data collection input, processing and exchange. However the system for this data management was designed individually by different Member States and some differences in specifications and functionality may exist. Therefore without a harmonized software some discrepancies in fisheries control and data management capacity may still be felt among Member States.**

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

- Yes, to a great extent
- Yes, but only to a minor extent**
- No
- No opinion

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 ?

- Yes, to a great extent**
  - Yes, but only to a minor extent
  - No
  - No opinion
- 

## 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?

- 
-

Yes, to a great extent

**Yes, but only to minor extent**

No

No opinion

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

(To be answered by national authorities only)

- Yes, fully
- Yes, but only partially**
- No
- No opinion

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

- Yes, to a great extent**
- Yes, but only to a minor extent
- No
- No opinion

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

500 character(s) maximum

- **The harmonization of rules.**
- **Clear regulations and the implementing regulations which providing a good description of how to implement various regulations.**
- **Regulations that contain a whole collection of related matters rather than being scattered in different regulations.**
- **The mandatory use of adequate technology in monitoring vessels and recording data**

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

500 character(s) maximum

- **Small fishing vessels may need to be monitored on a level playing field across EU States**
- **Provisions to facilitate the control of the recreational fisheries are insufficient**
- **In some instances the regulations are too detailed and lengthy, to the detriment of simplification**
- **The regulation requires extensive reporting, which correspond to the obligation to maintain complex databases which are difficult to manage**

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

500 character(s) maximum

- **The assurance of level playing field in all EU States particularly as regards small vessels**
- **Standardization of procedures and Monitoring, Control and Surveillance tools across Member States**
- **The standard of inspections may differ between states**