



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels, 20 July 2007
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Opinion

Title **Impact Assessment on possible initiatives to protect vulnerable deep sea ecosystems from the adverse impacts of bottom fishing gears, providing a response to the call for urgent action by the U.N. General Assembly**

(draft version of 22 June 2007)

Lead DG **DG FISH**

1) Impact Assessment Board Opinion

(A) Context

The U.N. General Assembly (UNGA) drew attention to the destruction of deep sea, coral reefs and other fragile habitats in 2004, through its Resolution 59/25, and further formulated specific recommendations on how to regulate bottom fisheries to address this sensitive issue in UNGA Resolution 61/105 of 8 December 2006. The Commission has represented the Community in this process in accordance with a position defined through continuous consultation with Member States. This IA report assesses the options available to the Community to provide an effective response to the calls made by the UNGA.

(B) Positive aspects

The Impact Assessment report provides a detailed analysis of the problem and of the main option based on UNGA requirements. It also presents a fair picture of the stakeholder consultation as well as the scientific and technical input on which the proposal is based.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: Taking into account the specificity of the proposal (result of an international negotiation in an area of exclusive competence), the IA report

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium. Telephone: (32-2) 299 11 11. Office: BERL 6/29. Telephone: direct line (32-2) 2981898. Fax: (32-2) 2965960.

E-mail: impact-assessment-board@ec.europa.eu
Website: http://www.cc.cec/iab/i/index_en.cfm

should better explain the policy constraints for the definition of alternative options.

The report should define the options in a way that all address the environmental, economic and institutional objectives defined in section 3. The report should also indicate whether Option 2 enjoys support internationally in order to enable an informed assessment of its credibility.

The Board welcomes the feedback that was received from DG FISH on the more detailed comments, which anticipates some of the following recommendations.

(1) The IA report should give more details of who and what is affected and to what extent, pulling more evidence from the wealth of research available on the adverse impacts of bottom trawling. In addition, the political context should also be presented (i.e. position of the Member States, positions of third countries and of NGOs and public opinion and past positions taken by the Commission on behalf of the Community in relevant international arenas).

(2) The IA report should consider dividing the objectives into general, specific and operational, as suggested by the IA guidelines, in order to facilitate the comparison of policy options. Consistency and coherence with other main EU policies and strategies (in this case Lisbon and Sustainable Development Strategies) should be explained in the Objectives section. The relation with the upcoming Strategies against IUU fishing and the Maritime Policy Package should be made more explicitly

(3) The report should explain better, in a proportionate way, the likely economic, employment (eg. impacts on fish fleets) and social (eg. prices for consumers) costs for the fishing sector of options 2 and 3. It should assess whether these potential costs are likely to be disproportionately high in respect of the intended objectives. A more detailed analysis of the environmental impacts should be provided. Impacts of the current trend and of policy options on third countries should be assessed. The level of analysis provided, while allowing a fair understanding of the problem, should be refined so as to be able to better compare policy options. The IA report should assess the administrative burden, if substantial, using the EU Standard Cost model. (E.g. for Option 3, additional administrative burden would affect both national authorities and the industry, as more information (fishing plans) will have to be submitted.) The potential compliance issues should also be discussed, either linked with the control of the moratorium proposed by Option 2, or with the availability of scientific advice for prior assessment proposed by Option 3.

(D) Procedure and presentation

The minimum standards for inter-service and stakeholder consultation have broadly been met. It is a major strong point that the IA report stays well within the size limit of 30 pages (as recommended by the Guidelines) and applies well the proportionality principle, although it could be further developed as indicated above. The executive summary should reflect the main results of the analysis of the options.

2) IAB scrutiny process

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