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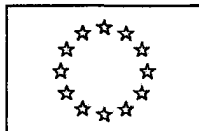
**AVIS DU COMITE DES EVALUATIONS D'IMPACT**

Proposal for a

**COUNCIL REGULATION**

**establishing a Community system to prevent, deter and eliminate  
illegal, unreported and unregulated fishing**

**{COM(2007) 602 final  
SEC(2007) 1310  
SEC(2007) 1312  
SEC(2007) 1336}**



Brussels, 03 July 2007  
D(2007) 6106

## Opinion

**Title**                    **Impact Assessment on: Proposal for a new Community strategy against Illegal, Unreported and Unregulated (IUU) fishing**

**(draft version of 05 June 2007)**

**Lead DG**                **DG FISH**

### **1) Impact Assessment Board Opinion**

#### **(A) Context**

This initiative is a review of the EU Plan of Action against illegal, unreported and unregulated (IUU) fishing, adopted in 2002 as part of the Common Fisheries Policy, taking stock of what has already been achieved and identifying what new actions are required. It aims to also contribute to the Sustainable Development Strategy agreed by the European Council in June 2006. The EU Plan of Action builds upon a consensus with the Council and the European Parliament and with the international community that all appropriate means should be devoted to tackling IUU fishing as reflected in the FAO plan of action 2001.

#### **(B) Positive aspects**

The Impact Assessment report offers a very thorough and well-structured analysis of the problem and its underlying drivers as well as a detailed examination of all affected actors. It also presents a good approach to monitoring and evaluation arrangements, including a time-schedule for an evaluation of the actual implementation of the initiative.

#### **(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: The IA report should offer a more overarching discussion of the social and economic impacts of the proposal in both EU and non-EU countries. Implications for (relations with) third countries should be addressed and the proposed sanction scheme should be better justified. These recommendations were largely accepted by DG FISH in the Board meeting. Although DG FISH was reluctant to analyse the discarded options, it could however**

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**clarify the link between the options identified by stakeholders and the ones analysed in the report.**

**(1) As to the social impacts, the IA report should give more details on employment, both for European and non-European fisheries and their downstream customers (further processing).** The report could usefully include some data on the breakdown of employment in the fishing sector by Member State and estimated employment within the IUU fishing activity. It should then discuss, at least qualitatively, the implications of a decrease in IUU fishing on employment in the legal fishing sector in Member States and non-European fishers, on the number of EU fishers and their income, and on working conditions in both the EU and non-EU fishing sector and the further processing industries.

**(2) The IA report should give more consideration to the implications for third countries.** The risk that costs of compliance become prohibitive and constitute a serious obstacle to the effective implementation of the initiative should be evaluated in more detail. At the same time, more information should be provided on the potential implications for cooperation with "Northern" countries. More consideration should also be given to a derivation of IUU fishing products to non-EU consumers and countries.

**(3) Better justification is needed on the proposed approximation of the maximum level of sanctions at EU level from a subsidiarity perspective.** The IA report proposes a system to approximate the maximum levels of sanction at EU level. As a justification, reference is made to the jurisprudence of the Court of Justice. However, a more in-depth motivation for the approximation of maximum sanctions should be given as such approach enters into the area of criminal law.

**(4) The IA report should analyse the relationship between the proposed initiative and EU fishing quotas policy and the expected impact on the income of EU fisheries.** The report suggests that costs for fisheries associated with the implementation of the initiative will be alleviated through the increase in prices and consumer demand for fish of legal origin. However, with the resulting higher consumer price for fish and the fact that many fisheries are subject to the EU quota system, this could lead to a substantial decrease in the magnitude of such expected balancing impact.

#### **(D) Procedure and presentation**

It appears that all necessary procedural elements have been complied with.

The IA report should more closely respect the recommended length of 30 pages excluding annexes, as suggested by the IA guidelines. An executive summary should be included. A glossary could be usefully added to explain technical terms and abbreviations.

## **2) IAB scrutiny process**

Reference number	2007/FISH/003, CLWP 2007 Priority item
Author DG	FISH
External expertise used	No

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