



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

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Opinion

Title **DG MARE - Impact Assessment on: Proposal for a Regulation of the European Parliament and of the Council establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks and repealing Council Regulation (EC) No 2347/2002**

(draft version of 5 January 2011)

(A) Context

The 'access regime' (Council Regulation 2347/2002) is one of the measures aiming to ensure sustainable exploitation of deep-sea fish stocks. It consists of a system of allowable fishing effort, centralised reporting on the activities of vessels engaged in deep-sea fisheries, an obligatory sampling of the activity of these vessels for monitoring by independent observers, freezing the size of the dedicated fleet accompanied by a system of special fishing permits, and further rules to improve the surveillance of the vessels' activity. The 'access regime' is subject to regular review. This impact assessment explores different options for a revision of the 'access regime'.

(B) Overall assessment

The IA report needs to be significantly improved in several important aspects. Firstly, the IA report should provide greater clarity on the functioning of the current framework of deep-sea fisheries management and its links to the Common Fisheries Policy (CFP) and Western Waters Regulation. The report should clarify upfront the scope of the proposal, and explain whether the foreseen review concerns the 'access regime' regulation only. Secondly, the problems this initiative aims to address should be clearly identified, and the definition of objectives should distinguish between more 'technical' objectives and the more general policy-related objectives. In addition, the IA report should make clear whether the adoption of the ongoing CFP reform is likely to alter the baseline scenario. Thirdly, the IA report should present a more ambitious option of a complete ban on deep-sea fishing, and should discuss upfront the feasibility of option 2. All the policy options need to be sufficiently well developed as regards their scope and precise content. Finally, the policy objectives should be linked with the key problems and the policy options, to establish a clear intervention logic.

Given the nature of the concerns raised above, the IAB requests DG MARE to resubmit a revised version of the IA report, on which it will issue a new opinion.

(C) Main recommendations for improvements

(1) Better explain the current framework and clarify the scope of the proposal. The IA report should more clearly present the links between the different types of measures related to deep-sea fisheries listed in section 2.1, and explain which of these measures are adopted at regional, EU, or international level. The IA report should then explain how this framework of deep-sea fisheries management is linked to other EU fisheries rules (such as the Common Fisheries Policy and the Western Waters Regulation). On that basis the IA report should clarify the scope of the proposal and explain whether it concerns the review of the 'access regime' regulation only, or the review of the complete package of measures related to deep-sea fisheries management (e.g. also including the protection measures under the Habitats Directive).

(2) Clearly identify the problems and improve the presentation of objectives. All the targeted problems need to be clearly presented in the problem definition section. For instance, section 5.1.4 mentions the burdensome existence of two separate systems for effort monitoring, while the existence of this problem is not explicit from the problem definition section 2.3. The shortcomings identified in the internal Commission review of the 'access regime' (section 1.1) should be reflected in the problem definition section. The IA report should also make clear whether the adoption of the ongoing CFP reform is likely to alter the evolution of the baseline scenario. The IA report should ensure consistency of statements related to the lack of knowledge about the current state of exploitation of deep-sea species, and should be clearer about the scientific advice which is currently available by consolidating information on the status of stocks that is currently presented in different parts of the report in an early section. Finally, the definition of objectives should clearly distinguish between more 'technical' objectives (such as those related to data gathering or monitoring) and more general policy-related objectives (for instance linked to the protection of biodiversity).

(3) Reconsider the range of policy options and improve the presentation of options. As the overall importance of deep-sea stocks fishing (in terms of employment, value and quantity of catches) is relatively small, the IA report should assess the more ambitious option of a complete ban on deep-sea fishing. In addition, the feasibility of option 2 (minimum legislation) should be discussed, given that this option does not seem to fulfil the objectives of preserving the stocks and habitats. More generally, all the policy options should be sufficiently well developed to allow them to be differentiated on the basis of their performance against the criteria of effectiveness, efficiency and coherence. The IA report should give complete information on the scope and precise content of the alternative interventions and should provide a corresponding assessment of their impacts. It should clarify how the concepts of regionalisation and the move towards 'fishery-specific' management are reflected in the policy options.

(4) Establish a clear intervention logic. The IA report should make clear how the policy options address the problems identified, including the problem of discarded catch and by-catch fisheries. The policy objectives should constitute the link between the key problems and the policy options, and should also be linked to the expected outcomes of the envisaged policy intervention and corresponding progress indicators. The assessment of expected outcomes should be accompanied by clear explanation of the sources on which the assessment is based.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The results of the stakeholder consultation should be more consistently reflected in the main text. The IA report should also clarify whether stakeholders other than those directly involved in deep-sea fisheries provided input during the consultations. The executive summary should contain a summary of the main analytical steps of the impact assessment. The IA report should include an annex explaining the main concepts (such as metier, bathymetrie, effort restriction, etc) in order to make the report more accessible to the non-expert reader.

(E) IAB scrutiny process

Reference number	2008/MARE/025
External expertise used	No
Date of Board Meeting	23 February 2011