



EUROPEAN COMMISSION
Impact Assessment Board

Brussels,
D(2014)

Opinion

Title **DG MARE – Impact Assessment on a proposal for a revision of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities outside community waters and access of third country vessels to community waters.**

(resubmitted version of 20 May 2014)*

(A) Context

The main objective of the Common Fisheries Policy (CFP) is to provide for the sustainable exploitation of living aquatic resources and of aquaculture, taking account of the environmental, economic and social aspects in a balanced manner. One of the instruments of the CFP to guarantee the fulfilment of this objective is provided by the Fishing Authorisation Regulation (FAR), which establishes a general EU system for the authorisation of all fishing activities of EU fishing vessels outside EU waters and for the access of fishing vessels flying the flag of a third country to EU waters. In its 2011 Communication on the External Dimension of the Common Fisheries Policy, the Commission indicated that it would propose a revision of the FAR with a view to modernizing and simplifying the existing framework, while considering any problem posed by repetitive reflagging and the fact that private fishing arrangements of the EU fleet outside EU waters currently fall outside of its scope. The initiative is part of the REFIT programme.

(B) Overall opinion: POSITIVE

The report has partly been improved on the basis of the recommendations of the first opinion. However, it still needs to strengthen the evidence base to underpin the analysis of the problems. It should also better estimate the administrative costs resulting from the additional requirements under the preferred option 4. The concrete content of the options and the way in which they would work in practice, should be more clearly explained, particularly for the preferred option. The analysis should be further reinforced by better incorporating stakeholders' views throughout the report.

(C) Main recommendations for improvements

(1) Further improve the problem description. While the problem definition has been streamlined and the main problems presented in a more concise and clear manner, the

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

evidence base underpinning the relative importance of the problems should be further strengthened. This could be done, for instance, by more comprehensively presenting the views of Member States with an external fleet and of other categories of stakeholders, or by providing further concrete examples illustrating the problem and its impacts. This is particularly important concerning the two issues that are outside the scope of the current framework, namely private licences and the reflagging practices.

(2) Better describe the content of the options. While the content of the options is more clearly presented, the report should still provide more detailed descriptions of the provisions under option 3 (e.g. the mechanism that is going to be used to reallocate fishing quotas between Member States). The new provisions under option 4 should also be further detailed, clarifying the additional requirements placed on the operators and their functioning. The report should better explain how EU control and surveillance regulatory provisions could be applied in the waters of third countries which are non-members of a Regional fisheries management organisation and non-signatories to any bilateral fisheries agreement. Moreover, it should be clarified how an EU legal act can affect the behaviour of the EU fleet in third countries' waters and that of third country authorities towards the EU fleet. The report should also clearly explain under what circumstances the proposed eligibility criteria would apply to operators. Finally, it should more transparently reflect the views of operators, Member States and NGOs in relation to the identified policy options.

(3) Further improve the assessment and comparison of the options. While the report better demonstrates the simplification potential of the proposal, it should assess the options more in-depth, in particular by providing broad quantitative estimates of the additional reporting/compliance costs that option 4 would impose on operators and national authorities due to the proposed inclusion of provisions relating to private licences and abusive reflagging. In this context, the report should provide greater evidence and stronger arguments to demonstrate that the expected benefits will be greater than the extra costs imposed by the preferred option. The options should be compared against more clear and focused objectives, which should be reformulated not to prejudice the preferred option.

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 executive summary sheet should be included in the main report and respect the standard length and format. The sheet should more concretely explain the content of the preferred option (e.g. what provisions are foreseen in order to prevent abusive cases of reflagging). While a list of abbreviations has been included in an annex, the report should also include a glossary of technical terms to improve the understanding for non-expert readers.

(E) IAB scrutiny process	
Reference number	2011/MARE/048
External expertise used	No
Date of IAB meeting	Written procedure An earlier version of this report was submitted to the IAB in December 2013, for which the Board has issued an opinion in January 2014.