



**EUROPEAN COMMISSION**  
Regulatory Scrutiny Board

Brussels,  
D(2015)

**Opinion**

**Title**                    **DG MARE - Impact Assessment on a Regulation of the European Parliament and the Council establishing a mixed fishery multi-annual plan for the demersal stocks and their fisheries in the North Sea**  
**(draft version of 08 June 2015)\***

**(A) Context**

The reform of the Common Fisheries Policy (CFP) – the 'Basic Regulation' – that came into force in 2014 contained four key objectives: an obligation to manage fisheries sustainably based on the principle of Maximum Sustainable Yield (MSY) for all stocks by 2015 and by 2020 at the latest; an obligation to land all catches that, for the North Sea, will have to be implemented incrementally between 2016 and 2019; the simplification of EU legislation and replacement of current rules by a flexible framework for a regional decision-making approach – so called 'regionalisation'; and coherence with other Union legislation and policies including the Marine Strategy Framework Directive. The new CFP gives particular emphasis to multi-annual plans as one of the primary ways to deliver these objectives. The North Sea Multi-Annual Plan is the second such plan to be considered, after the Baltic Multi-Annual Plan that was adopted by the Commission in 2014.

**(B) Overall opinion: NEGATIVE**

**The Board gives a negative opinion because the report does not clearly specify the framework and provisions of the Multi-Annual Plan (MAP) and it does not provide a robust assessment of its likely impacts.**

**The IA Report should clarify the following key aspects:**

- 1) How does the present MAP relate to what was already decided in the revision of the Common Fishery Policy, to other regional MAPs, and to other initiatives such as Technical measures and the Control Regulation?**
- 2) What specific provisions will be introduced under the plan, including relevant sub-options? What are the likely impacts of these options across the relevant economic, social and environmental sectors and how will specific stakeholders concretely (including SMEs) be affected?**
- 3) What are the potential compliance issues and how will the initiative be monitored?**

**Once revised, the IA must be resubmitted to the Board which will issue a new**

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

**(C) Main recommendations for improvements**

**(1) The policy context.** The report should explain more clearly the rationale of the revised Common Fisheries Policy (CFP) Regulation and its main elements, for instance the new governance structure and the shift from instrument-based to results-based management in order to clarify the degree of flexibility for this initiative. It should clearly mention what has been decided during the revision and present relevant details in an Annex. The report should more clearly mention the sustainability aspect, providing for a balanced discussion of economic and environmental aspects. Furthermore, it should clarify how Multi-Annual Plans (MAPs) will meet the requirement for regionalisation, and explain how the landing obligation is going to be enforced and controlled. It should also better describe the links with other relevant initiatives, for instance with the proposed new framework for Technical Measures (revision taking place in parallel), the Control Regulation and the Data collection framework. Moreover, the report should explain if and how coherence with other regional plans is considered, such as the other MAPs (in particular the one for the Baltic Sea).

**(2) Provisions of the Multi-Annual Plan.** The report should explain more specifically how the preferred option, i.e. a single mixed fishery plan, will meet the objectives of the CFP, using sub-options and examples as necessary. Given that the choice of the preferred option is somewhat prejudged, the report should focus more closely on these sub-options, listing alternatives that have been taken into consideration and justifying the preference for some over others. Elements such as the delineation of areas, choice of species, and whether or not days at sea restrictions will be considered, should be explained in the content of the option and then discussed in more detail in the analysis section, building on lessons learnt from previous experience.

**(3) Analysis of impacts.** On the basis of a more detailed presentation of the framework and content of the single mixed fishery plan, the report should better assess how the plan will address the identified problems/meet the objectives. A more evidence-based and (to the greatest extent possible) quantitative analysis should be conducted when assessing the impacts of specific provisions, including on different categories of stakeholders (e.g. on the fishery industry, including microenterprises, and on Member States). For instance the report should use more analysis from the STECF support study, the data presented in earlier sections and stakeholder views to back up assertions.

**(4) Compliance and monitoring.** The report should explain, in the context of regionalisation, what incentives are foreseen to encourage compliance with the rules and ensure a level playing field. For instance, it should explain how the sustainability of the demersal stocks is going to be ensured if Member States do not make the best use of the scientific data and advice issued by the competent scientific bodies. The report should also specify what operational arrangements will be put in place to ensure the initiative is effectively monitored and evaluated.

*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 report should avoid technical language to make it more accessible to the non-expert reader. After clarifying the baseline scenario against which the sub-options will be assessed (i.e. repeal of the plans and sole use of the Basic Regulation or continuation of the single species Multi-Annual Plans), the report should further analyse it, for instance by examining how provisions such as days at sea would develop in the absence of further legislation.

**(E) RSB scrutiny process**

Reference number	2011/MARE/063
External expertise used	No
Date of RSB meeting	1 July 2015