



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
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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

(resubmitted version of 30 August 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: POSITIVE

Overall, the revised report has been improved in line with the Board's recommendations. Notably, the policy context is better explained and the provisions of the multi-annual plan are more clearly specified.

It should still further clarify the following key aspects:

- 1) How is coherence ensured, in particular with the other multi-annual plans?**
- 2) The report should provide a more robust analysis of the likely impacts of the (sub) options across the relevant economic, social and environmental sectors and explain how specific stakeholders (including SMEs) are likely to be affected in concrete terms.**
- 3) How do the sub-options of the single mixed multi-annual plan (i.e. timing for achievement of Fmsy and timeframe for recovery period) compare in terms of effectiveness, efficiency and coherence and to what extent do they attain the objectives?**

(4) What are the potential compliance issues and how are they going to be dealt with?

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

(C) Main recommendations for improvements

(1) Coherence with other initiatives: While the report presents more clearly the links with some related initiatives, it should still better show how coherence with the technical measures and the other regional multi-annual plans (e.g. the Baltic Sea) is going to be ensured. Moreover, it should more convincingly explain why a 3 year discard plan for North Sea demersal fisheries is not an alternative to a multi-species plan (apart from the limited validity under the Basic Regulation). The report should still explain how the landing obligation is going to be enforced and controlled.

(2) Assessment of impacts: The report should better explain, using more conclusive evidence, what the various scenarios mean for the relevant economic (productivity of the North Sea fisheries sector), social (job creation and maintenance) and environmental (maintenance of marine resources including target and by-catch species) sectors. Moreover, it should clearly set out how specific stakeholders (including SMEs) will be affected and what measures can be taken to mitigate negative effects. In doing so, the report should refer to the views of different categories of stakeholders' (e.g. fishing industry, NGOs, Member States). The analysis is largely qualitative and, whilst this is sometimes necessary given the lack of availability of hard data, a more quantitative assessment can and should be undertaken using the data presented earlier in the report (e.g. on the fleet segments) and as much as possible the quantitative assessment commissioned in the supporting studies.

(3) Comparison of options: Based on a more robust analysis of impacts, the report should not only compare options 1 and 2 (i.e. whether there should be a multi-annual mixed fisheries plan or not) but also better explain how the sub-options of option 2 compare in terms of effectiveness, efficiency and coherence and the extent to which they attain the objectives.

(4) Compliance issues: The report provides a qualitative assessment of how potential compliance issues are going to be dealt with. However, given that the current rules governing the demersal fisheries in the North Sea do not seem to be applied coherently by the Council and Member States, in particular the scheme that currently limits the number of days fisherman can spend at sea, the report should still better outline, in the context of regionalisation, the risks of uneven implementation as well as the incentives or penalties that are foreseen to encourage compliance with the rules.

(D) Procedure and presentation

Although some of the concepts are better explained (e.g. concept of share fishermen) and a glossary is included, technical terms such as Fmsy, Blim, Bpa or spawning stock biomass should be more clearly defined, for instance using clear examples, to enable non-expert readers to get a better understanding of the options put forward and their likely impacts. The visual aids illustrating the policy context and the problem definition should more clearly correspond to the underlying text. A process of collecting non-available data should be identified in the monitoring arrangements.

(E) RSB scrutiny process

Reference number	2011/MARE/063
External expertise used	No
Date of RSB meeting	Written procedure (an earlier version of this report was submitted to the Board on 8 June 2015, for which the Board issued an opinion on 6 July 2015).