



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2015)

Opinion

Title

DG MARE - Impact Assessment on conservation of fishery resources and protection of marine organisms through technical measures

(resubmitted version of 22 September 2015)*

(A) Context

Fisheries management aims to regulate the amount and composition of fish species caught to ensure ongoing reproduction potential of commercially exploited stocks while minimising negative impacts on the broader ecosystem. This has traditionally focused on regulating two aspects: (i) the exploitation rate, i.e. the proportion of fish that are being removed from the population, using as main tools 'total allowable catches' & 'quota' and control of fleet capacity and (ii) the exploitation pattern, i.e. how fishing pressure is distributed across the age profile of a stock. The technical measures relate to this second aspect and define where, when and how a fishing company exploits commercial fish resources and interacts with the marine ecosystem. The purpose of this initiative is to simplify and modernise the current framework of technical measures (currently composed of 31 Regulations), in light of the objectives and provisions of the new Common Fisheries Policy. The initiative also falls under the scope of the REFIT programme.

(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 it is now clearer what should be proposed for adoption at EU level and at regional level.

The report should still further clarify the following key aspects:

- 1) Given the expected significant difference in the likely impacts of the options, the content of the latter should be better explained, in particular as regards the difference between options 1, 2 and newly added sub-option 2a.**
- 2) The expected impacts should be better justified, explaining for instance why significant differences are foreseen in the impacts of the different options, given that the baseline measures correspond to the current technical measures until possible regional plans are implemented.**
- 3) The report should better explain how regionalisation would tackle the problems related to the poor effectiveness of the current technical measures.**

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

(C) Main recommendations for improvements

(1) Content of the options: The report presents more clearly the policy context, the scope of the initiative and what is to be proposed at EU and at regional level, mentioning more concretely what are the common versus the regional measures and the baseline measures. However, given the expected significant difference in the likely impacts the options, it should be better explained what the differences between them are, in particular options 1, 2 and newly added sub-option 2a. This should entail a better and clearer explanation of the content of the options, avoiding inconsistencies. The report should also clarify which regulations are going to be amended or repealed. Moreover, it should clarify what incentives are foreseen for the preferred option to encourage compliance with the rules and what is the risk of uneven implementation or creation of uneven playing fields. For example, how would the objectives be defined to ensure a level playing field, what are the success indicators and how would better compliance and enforcement be ensured as compared to current technical measures?

(2) Assessment of impacts: The report assesses the likely impacts of the different options in a balanced manner across the three pillars. However, given the high level nature of the options (focussing only on governance structures), the analysis remains rather hypothetical and mainly based on anecdotal examples. The report should therefore attempt to better justify the expected impacts, for instance for the preferred option: (1) why are the exploitation patterns expected to improve so rapidly and lead to increased income in the short-term? (2) given that the baseline measures correspond to the current technical measures (until possible regional plans are implemented), why are such significant differences foreseen in the expected impact of options?

(3) Effectiveness of the options. The report should better explain how regionalisation would tackle the problems related to the poor effectiveness of the current technical measures. For instance, given that the baseline measures correspond to the existing regionally specific measures, in case no regional plan is adopted, the effectiveness of the preferred option would remain the same as under the baseline or option 1. Moreover, the report should propose more operational monitoring arrangements to assess the effectiveness of the new framework.

(D) Procedure and presentation

Inconsistencies should be avoided, in particular between the analysis of different types of impacts and the summary table.

(E) RSB scrutiny process

Reference number	2013/MARE/002
External expertise used	No
Date of RSB meeting	Written procedure (an earlier version of this report was submitted to the Board on 20 May 2015, for which the Board issued an opinion on 19 June 2015).