

EUROPEAN COMMISSION

Brussels, D(2015)

<u>Opinion</u>

Title

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

(draft version of 20 May 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: NEGATIVE

The Board gives a negative opinion because the report does not specify how the concrete content of the foreseen measures will be identified, nor does it set out the criteria to decide what would be adopted at (a) EU level versus (b) regional level, and (c) what would be repealed.

The IA Report should clarify the following key aspects:

1) What has been decided in 2013 during the revision of the Common Fisheries Policy and what needs to be proposed now?

2) On what basis/criteria would it be decided what to adopt at EU level, at regional level, and which existing measures would be repealed? What do the envisaged technical measures of the preferred option involve in concrete terms? What could be possible sub-options and what would be their impacts?

3) In the context of regionalisation, what incentives are foreseen to encourage

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

compliance with the rules? What is the risk of uneven implementation or creation of uneven playing fields?

4) To what extent does the preferred option address the problems identified and meet the objectives? To what extent can it improve the effectiveness of the technical measures?

Once revised, the IA must be resubmitted to the Board which will issue a new opinion on the revised draft.

(C) Main recommendations for improvements

(1) The scope of the initiative. While the report demonstrates there is a need to act, it should clarify the framework and scope of the initiative, clearly mentioning what has been already decided in the revised Common Fisheries Policy (CFP) Regulation and then focusing the analysis on what is to be decided now. The report should better explain the governance structure and how regionalisation would work in practice, mentioning for instance how stakeholders would be involved in the decision making process and what would be the role of the Advisory Councils.

(2) Content of the technical measures proposed. The report should explain concretely what would be proposed, and on the basis of which criteria, at the (a) EU level (i.e. adopted through the ordinary legislative proposal); (b) regional level; and (c) which measures would be repealed. Given the divergent views of stakeholders on the content of the framework and the likely different possible ways/measures to achieve the binding objectives stated in the CFP Regulation, the report should consider whether sub-options for the preferred option should be proposed and assessed. Moreover, it should explain, in the context of regionalisation, what incentives are foreseen to encourage compliance with the rules and ensure a level playing field. It should also specify how the effectiveness of the new framework would be monitored.

(3) The effectiveness of the options. The report should better explain to what extent the proposed options (and possible sub-options) would enable to deliver the objectives of the CFP and tackle the problems related to the poor effectiveness of the current technical measures. It should explain how the preferred option would avoid that the current drawbacks of the technical measures are going to be reproduced at regional level. The report should also better assess likely concrete impacts stemming from the technical measures, in particular for the catching sector and for different Member States. Furthermore, it should more clearly explain for all policy options how the main advantage of the current technical measures, i.e. ensuring a level playing field for all EU fleet, would still be ensured under the evolving new governance system. In doing so, the report could use examples and findings of the retrospective evaluation or other evidence. Moreover, it should better explain how the catching sector counteracted the effectiveness of the current conservation rules through technical innovation and to what extent the new system would avoid the same undesired consequences.

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 different sections of the report should be better linked. First, it should be made clearer which problems are going to be dealt with by the initiative, followed by a consideration of specific objectives directly linked to them. On this basis, more closely linked objectives and options would make the assessment of each option's effectiveness more meaningful. In order to make the report more accessible for non-expert readers, a glossary explaining technical terms should be added.

(E) IAB scrutiny process	
Reference number	2013/MARE/002
External expertise used	No
Date of IAB meeting	17 June 2015

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