

Common fisheries policy: conservation and sustainable exploitation (repeal. Regulations (EEC) No 3760/92 and (EEC) No 101/76)

2002/0114(CNS) - 10/04/2007 - Follow-up document

The Commission presents this report in response to its obligation Article 27 of Council Regulation (EC) No 2371/2002 to draw up every three years an evaluation report to be submitted to the European Parliament and the Council on its control activities and on the application of the Common Fisheries Policy (CFP) rules by the Member States. In addition Article 35 of Council Regulation (EEC) No 2847/93 of 12 October 1993 (the Control Regulation) requires the Commission to draw up an assessment report every three years on the application of the regulation on the basis of implementation reports submitted by the Member States.

This report responds is the first adopted since the 2002 reform of the CFP. It covers the period from 2003 to 2005. Issues related to sanctions and serious infringements are not covered in detail by the report as they are dealt with separately in the Communications from the Commission on behaviours which seriously infringed the rules of the CFP in 2003 and 2004

Commission Inspection programmes 2003-2005 focussed on the most sensitive aspects, identified as areas of high risk in terms of non-compliance. These include:

- stocks subject to regional recovery and management measures such as cod, hake, bluefin tuna, pelagic fisheries and Greenland halibut;
- horizontal control issues such as satellite monitoring, activity by third country vessels and marketing.

In summary, the report makes the following, overall, findings:

North Sea and Western Waters cod recovery programme: the cod recovery scheme was implemented in a manner that would cause minimum disturbance to fishing activity. The impact of the scheme was further reduced by unreliable catch data caused by mis-declaration.

Northern hake recovery programme: a lack of co-ordinated control of the international transport of hake combined with a poor standard of catch registration and the landing of undersized fish reduced the effectiveness of the Northern hake recovery programme.

Southern hake and *Nephrops* recovery programme: the impact of the programme was limited as it only really affected 250 out of the 11 000 vessels involved in the southern hake fishery. Despite this the

human resources devoted to control of the programme were not sufficient. Landings of undersized fish, including hake, reduced the effects of the recovery programme.

Baltic Sea transitional technical control measures for cod: the lack of control in the Baltic Sea seriously undermined the catch report system which led to fishermen under recording catches, thus preventing a major reduction in fishing mortality.

BACOMA trawl escape window in the Baltic Sea: the BACOMA trawl escape window, accepted by both fishermen and control authorities, has been successfully enforced.

Highly migratory fish: missions in 2003 concluded that there was virtually no catch registration systems put in place by Member States for bluefin tuna. A further evaluation was therefore made of the management measures implemented for the bluefin tuna fishery and the application of new rules on cage farming and minimum size. This confirmed the continuing need to make improvements in the catch reporting system, in particular the accuracy of the logbook and landing declaration figures and revealed that the movements of fishing vessels were not tracked systematically. Missions carried out to France, Italy, Spain and Greece confirmed that prohibited driftnets are still used in several Member States.

Regional fisheries management organisations: NAFO - The European Commission maintained an inspection vessel in the Northwest Atlantic Fisheries Organisation (NAFO) Regulatory Area for approximately 10 months of each year. From 2004 the responsibilities for inspection and deployment of observers started to be transferred from the Commission to the Member States although the Commission inspection vessel continued to be used as a support platform. In addition the Commission co-ordinated the activities of inspection vessels from other Member States, and its inspectors participated in landing inspections. The presence of Commission inspectors at sea in the Greenland halibut fishery made it possible to directly collect actual catch data which, when analysed, revealed discrepancies in the catch registration system of one of the Member States involved. After discussions between the Commission and the Member State concerned the fishery was closed by this Member State.

Vessel monitoring system (VMS): in some Member States there was a lack of compliance by fishermen with the VMS regulations which was not followed up with effective sanctions by the competent authorities, partly because there was no legal framework for sanctions in place. Globally, at least up to the end of 2005, Member States did not make full use of VMS technology to manage fisheries.

Marketing and traceability: although the situation varied significantly between Member States, Commission inspectors found that Member States are reluctant to change traditional marketing practices. As a consequence, the implementation of the EU grading standards was not a priority and such standards were applied and controlled only when they did not disturb the local operators and practices.

The Commission concludes that there have been important difficulties in the preparation of this report due the lack of a standard reporting format from the Member States and in particular the lack of a standard definition of a fisheries inspection in order to ensure comparable statistics. In conjunction with the exercise in improving the Communication on serious infringements the Commission is considering listing the essential elements required of a fisheries inspection before it can be included in control statistics and standardising the format of the annual report made by the Member States.

The Commission has started consulting national administrations and relevant stakeholders on the future format of the report, with a view to agreeing, by the end of 2007, standardised characteristics of inspections that may be included in the next annual reports.

Priorities for action should be in the short term:

- ensure full use of existing regulatory tools – e.g. receipt of basic catch registration documents, cross-checks, VMS and use of transport checks;
- allocate more skilled human resources to fisheries control;
- adopt a systematic approach to training of inspectors;
- strengthen co-operation and co-ordination between Member States and within Member States at all levels;

- improve systems of sanctions so that they are more related to the type and seriousness of offences. Sanctions need to be more dissuasive and to deprive those responsible of any economic benefit arising out of an offence;
- strengthen the means devoted to the control of landings of vessels fishing beyond Community waters;
- use as quickly as possible of new technologies, such as the electronic logbook, to improve the flow of information;

The Community Fisheries Control Agency will have a crucial role to play in these respects and in many other issues mentioned in this report. At Community level harmonised and simplified reporting on fisheries control must be put into place.