

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2004/0108(CNS)	Procedure completed
Community Fisheries Control Agency and control system		
Amended by 2008/0216(CNS)		
Amended by 2015/0308(COD)		
Amended by 2018/0193(COD)		
Repealed by 2018/0263(COD)		
Subject		
3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas		
8.40.08 Agencies and bodies of the EU		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	PECH Fisheries		28/07/2004
		ALDE ATTWOOLL Elspeth	
	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets		20/09/2004
Council of the European Union		PSE HAUG Jutta	
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	Agriculture and Fisheries	2657	26/04/2005
	Agriculture and Fisheries	2648	14/03/2005
European Commission	Agriculture and Fisheries	2611	18/10/2004
	Agriculture and Fisheries	2592	21/06/2004
	Commission DG	Commissioner	
	Maritime Affairs and Fisheries		

Key events			
28/04/2004	Legislative proposal published	COM(2004)0289	Summary
21/06/2004	Debate in Council	2592	
15/09/2004	Committee referral announced in Parliament		
18/10/2004	Debate in Council	2611	Summary

01/02/2005	Vote in committee		Summary
04/02/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0022/2005	
22/02/2005	Debate in Parliament		
23/02/2005	Results of vote in Parliament		
23/02/2005	Decision by Parliament	T6-0044/2005	Summary
26/04/2005	Act adopted by Council after consultation of Parliament		
26/04/2005	End of procedure in Parliament		
21/05/2005	Final act published in Official Journal		

Technical information

Procedure reference	2004/0108(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2008/0216(CNS) Amended by 2015/0308(COD) Amended by 2018/0193(COD) Repealed by 2018/0263(COD)
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/6/22015

Documentation gateway

Legislative proposal		COM(2004)0289	28/04/2004	EC	Summary
Document attached to the procedure		SEC(2004)0448	28/04/2004	EC	Summary
Committee opinion	BUDG	PE350.185	07/12/2004	EP	
Economic and Social Committee: opinion, report		CES1635/2004 OJ C 157 28.06.2005, p. 0061-0064	15/12/2004	ESC	
Committee report tabled for plenary, 1st reading/single reading		A6-0022/2005	04/02/2005	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0044/2005 OJ C 304 01.12.2005, p. 0139-0258 E	23/02/2005	EP	Summary
Commission response to text adopted in plenary		SP(2005)1076	31/03/2005	EC	
Commission response to text adopted in plenary		SP(2005)1076	31/03/2005	EC	

Additional information

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Final act

[Regulation 2005/768](#)[OJ L 128 21.05.2005, p. 0001-0014](#) Summary

Community Fisheries Control Agency and control system

PURPOSE : to promote uniform and effective application of the rules of the Common Fisheries Policy (CFP) by Member States through the establishment of a Community Fisheries Control Agency (CFCA) and the framework necessary for operational co-ordination.

PROPOSED ACT : Council Regulation.

CONTENT : this proposal calls for the creation of a Community Fisheries Control Agency (CFCA) as a key part of the drive to improve compliance with the rules under the 2002 reform of the Common Fisheries Policy (CFP).

More specifically, this proposal stems from the combined results of the 2001 Green Paper on the reform of the Common Fisheries Policy (refer to COS/2001/2115), the Commission's action plan for the reform of the CFP and its implementation (refer to COS/2002/2174) as well as the Communication entitled "towards uniform and effective implementation of the CFP" which launched the idea of setting up of a Community Fisheries Control Agency (CFCA) following a feasibility study (refer to INI/2003/2104). The Council and the European Parliament both supported this concept and the study. In December 2003, the European Heads of State and Government agreed on the urgency of establishing this Agency and that it was necessary to publish the proposal ahead of the results of the feasibility study. This study, which should be available in autumn 2004, shall determine the full optimisation of the operational functioning and the structure of the Agency.

As a consequence, the Commission proposes the establishment of the CFCA in response to the abovementioned request. Its core task will be operational coordination of inspection and surveillance by Member States.

The overall objective of the proposal is to promote uniform and effective application of the rules of the Common Fisheries Policy by Member States through the establishment of a (CFCA) and the framework necessary for operational co-ordination. The CFCA will serve as an independent permanent platform for cooperation between Member States in the area of control and enforcement in accordance with Regulation 2371/2002/EC. The CFCA will organise operational coordination of inspection and surveillance activities by the competent authorities in the Member States.

It is expected that the Agency will :

- create a solid partnership with and between Member States and the Commission and that it well contributes to a Community culture of control and enforcement in the fisheries sector;
- support Member States in complying with their obligations under the CFP in the area of cooperation and coordination of control and inspection by organising a rational deployment by Member States of pooled means of control and inspection (surveillance vessels, aircraft, vehicles and other equipment as well as inspectors and observers and other staff) in accordance with Community objectives, benchmarks, priorities and uniform inspection procedures adopted by the Commission;
- ensure that the EU's international fisheries commitments (ICCAT and IOTC) are undertaken in as transparent and uniform a manner as possible;
- improve the relations between the Community and outside partners by centralising contact points and promoting uniform traditions and practices.

Furthermore, multinational teams shall be formed for inspection both at sea and on land; issuing instructions concerning geographical areas; stocks; fisheries and allocating which fleets should be inspected within a given time frame. Part of the Agency's tasks could include providing contractual services to the Member States at their request and at their expense. These services may include the chartering and operation of surveillance vessels and the contracting of observers for joint use.

Other tasks will include:

- assisting the Member States in the training of inspectors,
- the joint procurement of goods for control and inspection (gauges/electronic logbooks),
- the co-ordination of joint pilot projects for testing new control and inspection technologies,
- the development of joint operation control and inspection procedures,
- elaboration of criteria for provision and exchange of means of control and inspection.

To help the Agency in its tasks, an EU fisheries monitoring centre using satellite tracking technology to provide information regarding the location and movements of EU vessels will be established.

The Agency shall be composed of an Administrative Board made up of representatives of the European Commission, the Member States and the fishing industry. Only those Member States which have fishing vessels that engage in marine fisheries are entitled to appoint a

representative The Board
will establish a Work Programme for the Agency; an Executive Director and a staff of 49. Its seat shall be based in Vigo Spain.

FINANCIAL IMPLICATIONS :

Budget line : 110704 Community Fisheries Control Agency (new budget line);

Total allocation for action : EUR 4.9 million for commitment in 2006 increasing to approximately EUR 5.0 million when the Agency is fully operational;

Period of application : as from 2005.

Overall multiannual estimate of expenditure : 11070401 - Human resources and administrative costs of the CFCA : this appropriation is intended to cover the costs of the CFCA's staff and administrative expenditure : EUR 3,8 million in 2006; EUR 4,8 million in 2007 and the following years (costs include buildings and related administrative expenditure (postal charges, telecommunications, IT, etc.) and cover two meetings per year of the Administrative Board of 25 members (EUR 40,000 per year); 11070402 - Operational costs : this appropriation is intended to cover operational expenditure, which includes installation of computer equipment, meetings and missions. It is estimated that the operational costs would amount to EUR 110,000 in 2006, rising to EUR 220,000 in subsequent years. The costs are higher in the first year mainly as a result of expenditure on computer hardware necessary for the establishment of the fishing monitoring centre. It is estimated that this hardware, together with costs related to its installation and programming will amount to EUR 1 million in the first year.

Human resources : the expenditure is based on a total staff of 38 in the first year rising to 49 in the second year. 9 Commission officials on secondment (6 managerial and administrative posts and 3 performing tasks that in the future will be undertaken by the CFCA) and 40 contractual agents.

Community Fisheries Control Agency and control system

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's proposal for a Council Regulation establishing a Community Fisheries Control Agency (CFCA) ? COM(2004)0289.

1- POLICY OPTIONS AND IMPACTS : The Commission considered :

1.1- Option 1 - **Organisation of co-operation through an Agency:** The organisation of operational coordination of inspection and surveillance activities and cooperation carried out by Member States requires a Community mechanism based on an Agency which functions as a permanent platform ensuring operational cooperation and coordination between Member States. This mechanism will be activated in all cases where it is opportune for the achievement of Community objectives.

1.2- Option 2 - **Alternative options:** Alternative solutions based on voluntary cooperation between Member States and mutual cooperation between Member States without the support of an Agency do not offer sufficient guarantees for consistent and lasting results in terms of effective operational coordination of rational deployment of national means of inspection and surveillance. For Member States to operate individually is costly and wasteful of resources. Sometimes there may be duplication of effort and on other occasions an absence of inspection and surveillance means.

CONCLUSION: By organising deployment at a Community level (*Option 1*), a better spread of deployment will be achieved, thus creating a wider coverage. Value can also be added through the joint procurement and chartering of vessels.

IMPACTS: A strengthening of control and enforcement through the optimisation at the level of the Community of the use of the existing means of inspection and surveillance contributes to the achievement of conservation objectives by uniform and effective implementation of the conservation and control measures applicable to stocks outside safe biological limits. The proposal will, therefore, **positively contribute to sustainable exploitation of depleted stocks.**

Sustainable exploitation of fish stocks is crucial for the medium and long term future for fishermen and the fish processing industry as a whole. Ineffective control and enforcement contributes to investments based on undeclared catches and results in distortions in the industry. Indeed, investments in the fishing industry as a whole must be based on legitimate future fishing opportunities.

The fishing industry demands a genuine level playing field in the Community. The creation of a Joint Inspection Framework (JIF) and the establishment of a CFCA will contribute to the establishment of such a **level playing field** as well as a truly European culture of control and enforcement.

Its independence from the Commission in its capacity as ?controller of the controllers? will permit the CFCA to establish a **sound relationship with the national competent authorities** in Member States regarding the organisation of control and inspection by Member States.

The establishment of the CFCA will also **improve the relations between the Community and outside partners** by centralising contact points and promoting uniform traditions and practices.

The impact of the proposed measures will be felt firstly from an environmental or ecological perspective through the **improvement in the state of certain important fish stocks.**

By bringing fishing capacity into balance with the fishing possibilities will create a more stable setting for the fisheries sector to achieve the **economic sustainability.**

The **beneficial social impact** will be reinforced through closer stakeholder involvement and encourage a greater commitment from fishermen to the development of the policy and its implementation.

2- FOLLOW-UP: The activities of the CFCA will be set out in detail in its Work Programme to be established every year by the Administrative Board in close co-operation with the Commission and Member States. The Executive Director will be responsible for organising an effective monitoring system in order to compare the CFCA's achievements with its operational objectives.

The CFCA, in line with its founding regulation, will have to produce every year a general report on its activities for the previous year which will be forwarded to the Member States, the European Parliament, the Council and the Commission. This report will present all specific actions undertaken by the CFCA and will provide elements for the evaluation of the actions undertaken under the proposed revision of the CFCA Regulation.

Within three years from the date of the CFCA having taken up its responsibilities, the Administrative Board shall commission an independent external evaluation. Thereafter, the activities of the CFCA will be evaluated on a regular basis, but at least every six years.

Community Fisheries Control Agency and control system

The Council has held a policy debate on the Proposal for a Council Regulation establishing a Community Fisheries Control Agency. The Council considers the Commission Proposal a good basis for work and invites Coreper to continue discussions on this Proposal. On 21 June 2004, the Council had a first preliminary exchange of views on the proposal establishing a Community Fisheries Control Agency presented by the Commission on 29 April 2004. In December 2003, the European Council agreed on the urgency of establishing this Agency and decided that the Agency will have its seat in Vigo, Spain.

Since May, the Council working group has begun to examine this proposal initially on a chapter-by-chapter basis, prior to a closer examination article by article. The most discussed issues at this stage

concern the respective competences of the Member States and the Agency. A feasibility study has now been made available. It determines the optimum organisation for the operational functions and structure of the Agency. Given that the legal basis for this proposal is Article 37, the Opinion of the European Parliament is required and is not expected before 22 February 2005.

Community Fisheries Control Agency and control system

The committee adopted the report by Elspeth ATTWOOLL (ALDE, UK) broadly approving the proposal, subject to a number of amendments (consultation procedure). These were aimed inter alia at boosting the influence of fishing industry representatives. Whereas the Commission itself was proposing to appoint non-voting industry representatives to the Agency's Administrative Board, the committee said that these representatives should be full voting members and be nominated by the fishing industry's representative association.

Other amendments sought to place efforts to control illegal fishing firmly among the Agency's goals, along with the harmonisation of fisheries control procedures between the Member States, to help create a level playing field. MEPs also wanted the Agency to set up a training centre for national fisheries inspectors. Finally, they suggested that the Agency should be sited in the Galician port of Vigo in Spain, with the host country contributing to some of the costs.

Community Fisheries Control Agency and control system

The European Parliament adopted the report by Elspeth ATTWOOLL (ALDE, UK) subject to a number of amendments. (Please refer to the summary dated 01/02/2005).

Parliament set out that fishing outside Community waters by Community fishing vessels, including the waters of third countries with which the Community has negotiated a fisheries agreement, would be included in the powers of the agency.

Parliament also states that the Agency should provide the Member States and the Commission with the technical and scientific assistance necessary to help them apply the rules of the Common Fisheries Policy correctly, including aspects relating to health and safety at work. Moreover, the Agency should coordinate operations to combat illegal, unreported and unregulated fishing in conformity with Community rules. Within three years from the date of the Agency having taken up its responsibilities, and every five years thereafter, the Administrative Board shall commission an independent external evaluation of the implementation of this Regulation.

Community Fisheries Control Agency and control system

PURPOSE: the establishment of a Community Fisheries Control Agency and amending Regulation 2847/93/EEC establishing a control system applicable to the common fisheries policy.

LEGISLATIVE ACT: Council Regulation 768/2005/EC.

CONTENT: The Council adopted a Regulation establishing a Community Fisheries Control Agency. The objective of the agency, whose headquarters will be in Vigo (Spain), is to organise the coordination of fisheries control and inspection activities by the Member States and to assist them to cooperate so as to comply with the rules of the Common Fisheries Policy.

The principal changes with respect to the original proposal submitted in April 2004 concern, inter alia, the extension of the Agency's functions to include coordination of inspector training. The Agency will also be associated with the Member States in the development of control and inspection techniques, the

organisation of operational cooperation and details of joint deployment plans.

The adoption of this Regulation constitutes the final part of the reform of the common fisheries policy (CFP) begun in December 2002. It provides for the introduction of uniform inspections in the Community, operational coordination on the basis of coherent control and inspection plans (MCS) and the pooling by the Member States of national means of control and inspection with a view to joint deployment, the organisation of which will be carried out by a Community body in accordance with the aforementioned control and inspection programmes. The Agency will organise the joint deployment of national means within the framework of an appropriate Community plan.

The agency's annual budget is estimated at EUR 5 million and is due to commence its activities within a year.

This Regulation amends Regulation 2847/93/EEC establishing a control system applicable to the common fisheries policy.

ENTRY INTO FORCE: 10/06/2005.