

Common Fisheries Policy (CFP): Community control system for ensuring compliance with the rules of the CFP

2008/0216(CNS) - 20/11/2009 - Final act

PURPOSE: to substantially reform the control system underpinning the Common Fisheries Policy.

LEGISLATIVE ACT: Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.

CONTENT: the Council adopted a regulation establishing a modernised system for inspection, monitoring, control, surveillance and enforcement of the rules of the Common Fisheries Policy (CFP) throughout the market chain, "from net to plate".

The new regulation will replace the existing legal framework laid down in Council regulation No 2847/93 as from 1.1.2010 for most of its provisions and as from 1.1.2011 for certain provisions requiring implementing measures.

General principles: under the new regulation, Member States shall:

- control the activities carried out by any natural or legal person within the scope of the common fisheries policy on their territory and within waters under their sovereignty or jurisdiction, in particular fishing activities, transshipments, transfer of fish to cages or aquaculture installations including fattening installations, landing, import, transport, processing, marketing and storage of fisheries and aquaculture products;
- also control access to waters and resources and control activities outside Community waters carried out by Community fishing vessels flying their flag and, without prejudice to the primary responsibility of the flag Member State, by their nationals;
- adopt appropriate measures, allocate adequate financial, human and technical resources and set up all administrative and technical structures necessary for ensuring control, inspection and enforcement of activities carried out within the scope of the common fisheries policy. They shall make available to their competent authorities and officials all adequate means to enable them to carry out their tasks.

Each Member State shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.

In each Member State, a single authority shall coordinate the control activities of all national control authorities. It shall also be responsible for coordinating the collection, treatment and certification of information on fishing activities and for reporting to, cooperating with and ensuring the transmission of information to the Commission, the Community Fisheries Control Agency, to other Member States and, where appropriate, third countries.

In concrete terms, the new regulation includes the following provisions:

Control and monitoring

- standardised, coordinated inspection activities at every link in the chain: at sea, in port, during processing, transport and on marketing;
- general standards for specific control measures applicable to recovery and multiannual plans, marine protected areas and discards;
- introduction of a comprehensive traceability system;
- recreational fisheries to be compatible with the objectives and rules of CFP;
- full use of modern inspection technology (satellite-based Vessel Monitoring System (VMS) for vessels over 12 meters, Automatic Identification System (AIS), electronic logbook) allowing cross-checks of all relevant data;
- monitoring of fishing capacity and certification of engine power;
- margin of tolerance in estimates recorded in the fishing logbook set at 10% instead of 20% for all species.

Sanctions

- introduction of harmonised deterrent sanctions;
- penalty point system for infringements committed by masters, operators or beneficial owners of a fishing permit;
- possibility of suspending or reducing EU financial assistance should a member state fail to comply with CFP rules;
- closures of fisheries on the Commission's initiative;
- more flexibility for the Commission to proceed with deductions from quotas in cases of poor quota management.

Inspection powers

- inspections of fishing vessels to take place outside the waters or territory of the inspecting Member State;
- independent inspections by Commission fishery inspectors will be possible without prior notice to the member state concerned.

Cooperation among Member States and coordinating authority

- system of mutual assistance and systematic exchange of control-related information between Member States, together with communication of control data via secure national websites with remote access for the Commission;
- extension of the mandate of the Community Fisheries Control Agency (CFCA).

Reports: every five years, Member States shall transmit a report to the Commission on the application of this Regulation. On the basis of the reports submitted by the Member States and its own observations, the Commission shall draw up a report every five years to be submitted to the European Parliament and the Council.

An evaluation of the impact of this Regulation on the common fisheries policy shall be undertaken by the Commission five years after the entry into force of this Regulation.

ENTRY INTO FORCE: 23/12/2009.

APPLICATION: from 01/01/210. Certain provisions shall apply from 01/01/2011.