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Evaluation of the European Fisheries Inspection regime

Reply to Public Consultation, summary of the main implementation problems encountered and avenues for improvement

Introduction

The subject of "Inspection" is regularly discussed in the framework of the SWWAC, in spite of situations which can vary from one country to the other, or according to local contexts. At a time when the assessment of EU Fisheries Inspection regime is being made (Regulation EU 1224/ 2009 and 404/2011), the SWWAC members wish to make their contribution to assess the current standards , and contribute to their optimisation

This contribution is clearly limited in its scope, due to the absence of certain information that has not been made available: absence of communication of the Member States' reports, non-disclosure of the conditions for obtaining or for implementing certain exemptions. In general, it is very difficult to assess certain aspects of the Fisheries Inspection policy in Europe, due to the lack of information made available and accessible to the public.

SWWAC wishes to reaffirm its support for a regime that is efficient and effective, and as uniform as possible across the EU, while respecting the singularities of the different fisheries, but considers that changes must be made, based on the 5 years' experience that we now have, and of the evolution of political objectives.

In terms of method, this opinion includes firstly SWWAC's response to certain questions of the Public Consultation organised by the European Commission; and secondly, it includes a list of the problems of a more operational nature, identified in the framework of preliminary work, and attempts to offer potential solutions.

The SWWAC's members have analysed the European Commission's consultation document, and consider that it would not be possible for them to respond to it in its entirety. With regard to the fact that they were not able to assess certain questions, due to the lack of information, or in other subjects, because the questions raised were too arbitrary, and more importantly, made it impossible to find a compromise. The SWWAC therefore limited itself in the scope of its replies, and tackled only questions directly related to Fisheries Inspection, without wishing to enter into the management issues sometimes raised by certain questions.

Question 36: Main Strengths of the Inspection Regulation



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Despite the fact that it led to a large number of criticisms when it was validated, the Inspection Regulation and its implementation Regulation have been responsible for many advances in terms of Fisheries Inspection that cannot easily be listed in an exhaustive manner.

The general philosophy of the "from the nets to the plate" policy is an advance which will ensure the consistency of the inspection policy (whose current application should nevertheless be modified; cf question 37). The attempted harmonisation through the regulations must also be welcomed, even though their scope has been limited due to the different national interpretations. The dematerialisation of the declaration data has facilitated the exchange of data in real time. Although it was complicated at the start-up phase, electronic declaration of catches should also improve the quality and the processing of information, and reinforce scientific assessments in particular. Many derogations contained in this regulation have been used, and have proven particularly useful.

And even though it was not necessarily the aim, the reinforcement of the fishing vessel monitoring provisions have also improved safety at sea, particularly in relation to collisions. It is also estimated that these regulations have contributed to improving knowledge with respect to the identification of fisheries.

Question 37: Main weaknesses

The time allowed for the deployment of all the new measures brought in by these regulations was short, to say the least, and put a strain on several links in the chain involved in the inspection of the fisheries, due to the number of tasks that had to be carried out. Even now, it is not certain that all the obligations have been fulfilled, and that they have been implemented in a uniform manner throughout the different Member States (sanctions regime, etc.).

The corollary of an ambitious political programme, the Inspection regulation and its implementation regulation went too far in certain cases, and entered into too much detail. It therefore transpired through experience that certain standards were unsuited to all European fisheries, or that they came up against unforeseen situations. To take the example of traceability, while the transmission of data to all the links of the sector should allow the legality of the products to be checked, it is illusory to think that the proper application of the production sector's supervision measures can be checked on the distributors' shelves.

In 2016, the resource management issues are no longer the same as those that existed at the end of the 2000's, and this causes implementation problems. We are referring here to all the provisions relating to long-term plans, covering at the time the endangered stocks, although very soon, they may accompany all EU species to the objective of maximised management.



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The complexity of this regulation, and the difficulties relating to compliance with all EU standards are often expressed. It is possible that many checks where the criteria are not met fail because of a lack of knowledge of the obligations of the regulation, rather due to a desire to avoid compliance with the rules.

The fishermen's representatives also wish to point out that these regulations, as regards the declaration of their catches (LBE) , has in general led to a transfer of responsibilities and of costs, as well as a complexification.

Finally, we regret that there is excessive confidentiality with regard to these subject, and which is a considerable obstacle to the understanding of the measures applicable in each of the Member States and limits any attempt to take advantage of previous experience. The absence of official and centralised publications of the inspection or survey plans is an example.

Question 38: How to correct these weaknesses?

Several main solutions could be sought. From the angle of "better legislation", and in the image of the reflections on the upcoming Framework of Technical measures, the institutions could question the usefulness of maintaining certain provisions in the EU regulations, or of transferring them to another type of act. For certain provisions (prior notification periods, margin for error in the declaration of catches), it would be useful to adapt them better to the reality of their fisheries, and therefore of the inspection needs. These questions could also be discussed and dealt with during the work undertaken to prepare the regionalised long-term management plans. In order to facilitate the move towards harmonisation, some non-mandatory provisions within these regulations, should where appropriate be incorporated into the regulations.

It is clear that many points of the corpus of rules related to fisheries inspection must be changed to integrate the recent reforms of the CFP and of the CMO (questions related to the landing obligation in particular).

Simplifying as far as possible the inspection requirements, linked to the desire to support the management of EU resources in order to attain the result objectives would appear to be advantageous.

Finally, and in a more general manner, the members of the SWWAC hope that the inspection standards will be adapted appropriately, if necessary, in line with the feedback given by the officers responsible for the Inspection of Fisheries and the fishermen. This exercise of simplification would hopefully make the inspection requirements easier to understand, and therefore, easier to comply with.

All decisions that would improve the transparency of the subjects relating to Fisheries Inspection would definitely be an improvement.



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A- Summary of the problems encountered

The adoption of the Inspection Regulation in 2009 gave rise to numerous political discussions, that led to proposals which were sometimes based on a dogmatic logic, or on questions of principle. It is clear that certain provisions now planned will generate great strain on all the links of the chain (fishermen, fishing structures and administrations), without any direct benefit in terms of management.

Several examples of this situation can be noted:

- Regime of authorisation for long-term plans: The Inspection regulation was adopted after most of the first generation plans. This regulation provides in a mechanical way for the creation of European Fishing Authorisations (EFA) when a fishing vessel wishes to catch species subject to one of the plans, (article 7), without defining the criteria to distinguish the vessels that have a significant impact on such a stock. All the fishing vessels along a shoreline could thus be concerned, as is the case for the EFA for Northern hake. This of course creates an overload of administrative work, most of which serves no purpose.
- Margin of tolerance for the estimation of catches: Here too, we imagine that the single figure of 10% arose from a political compromise, and a desire to standardise fishing practises. Certain members of the SWWAC have on several occasions criticised this standard, which applies in certain fisheries (Mainly Large pelagic) as being very difficult to comply with. The SWWAC therefore adopted opinion 97 on the Tuna fisheries – where the method of storage, the fishing conditions and the biological variability, make it very complicated to estimate the exact quantity of fish caught. It has also been pointed out by certain members that this principle can be complicated to comply with in the framework of small quantities, or for the small pelagic fisheries.
- Prior notification: here too, the SWWAC has already expressed its point of view in opinion 85. Even though exemptions can be obtained, the mechanical link between belonging to a plan and a period of 4 hours is not reasonable in all configurations, particularly for ships navigating near to the coast. In these situations, the fishermen can, either wait 4 hours before they can go back to the port, or they are obliged to declare their catch in advance. As things are at present, and even though the aim is perfectly well understood, changes appear to be necessary.
- Prohibition on transshipping of catches: The conditions of derogation from the general principle of prohibition on transshipping do not correspond to the situations in which the fishing vessels have recourse to this practice. In fact, for several fisheries, the main aim would be to be able to tranship fish in the open sea, on the fishing zones, in order to avoid the vessels having to return to land at great cost. For the members of the SWWAC representing the





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environment NGO's, this opportunity should only be available in the presence of a Fishing Inspector.

- Advance base, weighing at the time of landing: the general principle of weighing at the time of landing has also caused constraints or problems which appear too great considering the risk of evaporation of catches, or lead to investment that sometimes serve no purpose. We would point out that the costs of equipment incurred for the landing points (Weighing machines, etc.), allow weighing, while these same quantities are very often weighed once again at the place of sale. The maintenance costs are paid by the fishermen or by the local authorities, while their usefulness is debatable. Some obligations relating to the modes of transport are also largely ineffective (separate storage).
- Serious offences & Landing Obligation: It is quite likely that the period allowed (1st January 2017) before non-compliance with the Landing Obligation is considered as a serious offence will be too short.
- Non-compliance with confidentiality: it is not acceptable that the websites should be able to supply the positions and speeds of fishing vessels equipped with monitoring systems in real time.

Moreover, it would appear that a political compromise has been sought satisfying all parties, together with exemptions, whose conditions or implementation are very often unclear. This has caused a lack of trust or is definitely responsible for an absence of capitalisation.

We illustrate these problems with examples of negotiations concerning the exceeding of quotas, when reimbursement is not possible for the original species, and the methods for the granting of exemptions for prior notification.

Also, when new provisions relating to inspection must be implemented on a European scale, the sharing of experience/solutions developed could facilitate this implementation significantly. The electronic logbook is considered to be a perfect example.

B - Ideas for improvements

For the members of the SWWAC, it would be beneficial if some standards were modified. The proposals for solutions envisaged fall into two main fields: making corrections where the standard goes too far, or adapting it to the existing new framework. They also aim to achieve greater proportionality, and greater cost effectiveness for the public authorities.

From the global and methodological point of view, the members of the SWWAC would like any changes to the regulations above all to be carried out on the basis of a shared observation by the stakeholders who are dealing with the rules laid down in this



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regulation on a day to day basis, i.e., the inspection services and the fishermen. This should always be carried out in order to achieve the objectives of the union:

- EFA systems: In order to reduce the administrative workload and to allow this tool to achieve its real objective in terms of fisheries management, it is important to break the link between the "old" management plans and the EFAs, by setting minimum levels of catches (tonnage or species) after which the authorisation is necessary to carry out a fishing activity. These levels could be assessed and set within the future Management Plans.
- Prior notification: By reference to these same levels or by defining new levels (tonnage/fishing trip), the period of 4 hours for prior notification should only apply to ships with a significant impact on a stock. Also, this could be assessed as part of the preliminary work to prepare the Management plans and according to the characteristics of the fisheries
- Margin of tolerance: The discussions relating to the future of this tool should take place within the framework of the new Landing Obligation. In 2019, we will thus be able to really question the usefulness of making an estimation of the catches, given that a very great proportion of them are landed. A distinction could be made, according to biological criteria, and also a risk analysis (stock under TAC or not...)
- Points-based licence system: the purchases of a fishing vessel should not be penalised for the activities of the previous operator; the points attributed to a ship should not be carried over to the new owner when the ship is sold. The environment NGOs in the SWWAC are opposed to this suggestion.
- Dependency on electronics: Emergency systems should be consolidated so as to avoid endangering the operation of the ship. It would also appear to be worthwhile to share the software so as to reduce the maintenance costs
- Certain provisions of the points-based licence system could be modified based on the conclusions of the study carried out by the European parliament on the socio-economic impact of this measure
- When appropriate, funding could be provided for training in the new rules of Fisheries Inspection (Filling in the electronic logbook, etc.)



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