

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

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The Commission presents a Communication on the proposal establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy. The European fisheries control policy is at the heart of the CFP, because its credibility depends on its effective application. Despite certain progress, there is a general consensus that there are still many shortcomings in the CFP in general, notably overfishing due to an overcapacity of the EU fishing fleet, and in its control policy in particular. The current control system is inefficient, expensive, complex, and it does not produce the desired results. The continued failure of the control policy will have significant consequences for the future of fisheries resources, the fishing industry and the regions dependent on fishing.

It is within this context that the Commission proposes to reform the control system of the CFP.

Reform: the proposal defines the general concept of inspections for all catches at all stages of the chain - at sea, in port, on transports and markets – and introduces harmonised inspection procedures with a view to ensuring uniformity in the implementation of the new control regime. The new approach will make the best possible use of modern technologies. The proposal extends the use of the Vessel Monitoring System (VMS), the Automated Identification System (AIS), the Electronic Reporting System (ERS), the Vessel Detection System (VDS) and other new technologies. To answer new needs on the control of specific fisheries, specific control measures applicable for multiannual plans, marine protected areas and discards will be established and a permanent mechanism of real time closures of fisheries under the responsibility of the Member States will be introduced. Since the limitation of effort as a supplementary management tool is becoming more and more important, the monitoring of engine power, e.g. by certification, will be an integral part of the proposal. Finally, as recreational fisheries have an increasing influence on fish stocks and the marine environment, the proposal envisages control measures for this activity, such as the registration of catches. Actions proposed by the Commission:

- systematic risk analysis as a basis for fisheries control;
- strategic programming, tactical targeting and sampling strategy;
- use of modern technologies and comprehensive data validation systems;
- standardised and coordinated inspection activities and procedures at sea and on land (including transport and market);
- introduction of a comprehensive traceability system;

specific control measures for multiannual plans, discards, marine protected areas and real time closure of fisheries;

- measures for the control of recreational fishing.

Compliance: an important cornerstone of the proposed Regulation will also be to influence the behaviour of all stakeholders involved in the full range of fishing activities (catching, processing, distribution and

marketing). The Commission wants to concentrate the CFP control measures, which are currently spread in many different texts, with the objective of simplifying and rationalising the legislative framework. This will be done by establishing the principles in the proposal itself while laying down the more technical and detailed matters in implementing regulations. Moreover, a regime of harmonised and proportionate administrative sanctions must be established if we are serious about ensuring an equal and effective application of the CFP rules. Actions proposed by the Commission:

- simplifying and rationalising the legal framework;
- introducing deterrent and harmonised sanctions (including establishing a penalty point system);
- improving cooperation between Member States and with the Commission;
- reviewing the mandate of the Community Fisheries Control Agency (CFCA).

Effective application of CFP rules: the reform also aims to define the roles and responsibilities of Member States, the

Commission and the CFCA. The capacity of the Commission to ensure the respect of Community law by Member States has to be strengthened. For that reason the Commission must be able to intervene effectively and proportionately in cases where shortcomings in some Member States threaten the uniform application of CFP rules.

Actions proposed by the Commission:

- redefining and strengthening the powers of the Commission and the Commission inspectors;
- action plans for deficient Member States to improve their implementation of the CFP;
- extending the possibilities for the Commission to close a fishery;
- possible financial measures against Member States in case of inadequate management;
- more flexibility for the Commission to proceed to deductions of quotas and the denial of quota transfers and exchanges in case of inadequate management;
- package of emergency measures.

As the future control system will contribute to ensuring that only legal fish will be caught, the lack of available quotas will entail a concentration of the fleet by market forces until it reaches a level that allows all remaining vessels to make a living on the basis of lawful fishing opportunities. The vicious circle of fishing vessels having to fish excessively for their economic survival would be broken. In the long run the adjustment of the fishing fleet will also bring about a reduction of control and surveillance costs as the likelihood of infringements will be lower when the fishing fleet is able to generate sufficient economic income on the basis of legal catches.