

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

2008/0216(CNS) - 24/04/2017 - Follow-up document

The Commission presented a report on the implementation and evaluation of Regulation (EC) No 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy (CFP). The evaluation of the control regulation is also included in the Commission's Regulatory Fitness and Performance programme (REFIT).

The control regulation ensures **respect of the CFP rules** as well as the application of conservation and management measures by tackling issues that have previously led to extensive overfishing and poor compliance with the rules.

Implementation: on the basis of the data reported by the Member States and the Commission's observations resulting from the audits and inspections carried out, the Commission considered that the **Member States have implemented the main obligations** of the Regulation and have set up the instruments, procedures and standards necessary to ensure the monitoring and inspection of fishing activities throughout the European Union:

- the legal framework is well accepted by the relevant stakeholders. The control regulation is regarded as an **essential instrument** for ensuring a level playing field between operators. It simplified and rationalised the previous control system and enabled the EU to comply with its international obligations in the control area;
- effective and efficient implementation of vessel monitoring systems (VMS) and electronic reporting systems (ERS), as well as the application of risk-based control strategies, have been found to be essential for monitoring activities and to improve the reliability of data. However, due to the **complexity of the rules** and the time required to adapt to them, the implementation of certain provisions is delayed in some cases.

Shortcomings identified and gaps to be filled: the evaluation confirmed however that the current legislative framework is not fully fit for purpose. The coherence of the Regulation with other European Union policies, for example in the environmental, maritime, innovation (blue growth), health, customs and trade fields is not disputed.

There is a strong call from stakeholders to **better adapt the control system to the new CFP**, addressing in particular the landing obligation, increase synergies with other policies for an effective and efficient implementation of the [Marine Strategy Framework Directive](#) and of the newly created European Cooperation function on Coast Guard.

Lack of clarity in some of the provisions, obsolete provisions and discretionary implementation across Member States (e. g. derogations, sanctions) also hamper the effectiveness and efficiency of this legal instrument.

Shortcomings in the implementation and deficiencies have been identified, in particular as regards:

- **sanctions and point system, follow up of infringements:** it is essential to implement in a consistent and even manner adequate sanctions for infringements to ensure their deterrent effects;
- **exchange and sharing of data between Member States:** the analysis confirmed that the development of EU standards, a harmonised approach towards control activities and of shared IT platforms for data exchange is essential to ensure a level playing field;
- **traceability of fishery products:** problems with controls remain unresolved regarding first sales and during transport. The main problems are linked to the loss of traceability during these two stages of the production chain. Since the paper based traceability system is ineffective, some Member States have set up voluntary electronic traceability systems. However, the different approaches adopted at national level have detrimental effects on the exchange, verification and validation of data;
- **control of weighing practices:** the supervisory authorities consider that the current framework for weighing and transport control leads to reporting errors, whereas the weighing provisions tend to transfer the control from the flag state to the coastal state;
- **monitoring and catch reporting tools for vessels less than 12 metres in length:** Member States are not properly implementing the control of the activities of vessels less than 10 metres, which are currently exempt from the obligation to keep a logbook (for example, control by sampling at the time of landing). The lack of control provisions for recreational fishing is also perceived as distorting the conditions of competition.

Challenges also include improving the overall performance of the control regulation to ensure sustainable fisheries while improving synergies with other policies. The Commission will present the results of the evaluation to Member States and stakeholders to discuss effective solutions.