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Improving the implementation of the common fisheries policy

An action plan

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This action plan is based on the Commission's recent communication on the monitoring of fisheries (COM(98) 92 final of 19 February 1998¹). It is one strand of the twofold approach announced there, the second being a proposal to amend the Regulation on fishery control. The present paper does not deal with the details of the proposal being presented to the Council at the same time but attempts to explain the overall approach which is being advocated, showing how the regulatory provisions form part of a more general strategy. It focuses on the major problems, while analysis of suggested remedies to specific shortcomings are dealt with in Annex I.

After an introductory paragraph describing the Commission's role in the monitoring of fisheries, this paper sets out a plan for what should be done in each of the main areas considered in the communication and explains the reasons for the proposed action in each case.

According to the conclusions of COM(98) 92 final, the new arrangements should be fully operational by the year 2000 so that the outcome can be reviewed in 2001. With this in mind, the paper concludes with a list summarising the priority measures to be taken in the coming three years. This summary is amplified in Annex II by tables showing, for each topic, the linkage between the measures to be taken by Member States and those to be taken by the Commission between now and 2000. One should note that the same measure can be listed in these tables under several headings, since it may contribute to progress in various different fields at the same time.

¹ Communication from the Commission to the Council and the European Parliament - Fisheries monitoring under the common fisheries policy

I. The Commission's role and the means at its disposal

There are cases where the Commission may be called on to intervene directly in monitoring fisheries which involve non-member countries in some major way. This can only be on a temporary basis, however, since the monitoring of fisheries is first and foremost a matter for Member States, both in respect of their own territory and EEZ and with regard to vessels flying their flag when operating outside Community waters.

The Commission's primary tasks are to ensure transparency between Member States about the means deployed and the effectiveness of their fisheries inspection, and to encourage overall improvements in them.

In doing so, the Commission can:

- use its budget, by providing assistance towards expenditure allocated by the Member States to monitoring fisheries (Council Decision 95/527/EC²) and by paying for some controls directly, as well as by part-financing studies and research;
- publish evidence and thus make its own views known about the monitoring systems put in place by the Member States, including formal statements (cf. reports to the Council and Parliament on controls), as well as about potential and desirable improvements;
- stimulate consultations and discussions by organising the necessary contacts between the government bodies concerned, in particular through meetings;
- act in the regulatory and legislative field, in the exercise of its right of initiative and the powers conferred on it by the Treaties, by putting forward proposals for Council regulations and adopting implementing regulations.

² Council Decision 95/527/EC on a Community contribution towards certain expenditure incurred by the Member States in implementing the monitoring and control systems applicable to the common fisheries policy - OJ L 301, 14.12.1995.

The action plan proposed here looks at the combinations of measures which the Commission can take to ensure the greatest possible effectiveness.

II. Transparency

II - 1. The real resources deployed by Member States

An immediate priority is to create the right conditions for ensuring genuine transparency. In other words, the information forwarded by the Member States about the monitoring resources available to them and actually deployed and the number and nature of inspections carried out must be comparable and verifiable. The Commission then needs to make this information available to all Member States. It should draw up comparative assessments, measuring the monitoring efforts of each Member State against its responsibilities (in terms of the scale of landings and fishing fleets, the size of the areas to be monitored, etc.).

Resources and effort

The Commission needs to receive detailed information about all the physical means available for monitoring, their main characteristics (operating potential, limits), and the time during which they are actually assigned to monitoring activities.

The same information is required about human resources. The staff employed by the control authorities has to be accurately identified, together with the qualifications and special skills of officers and the time devoted to controls by services with other responsibilities in addition to monitoring.

When deciding on requests for a contribution towards monitoring expenditure under Decision 95/527/EC, the Commission is required to give priority to Member States which can show that there are shortcomings to be addressed and that the monitoring resources for which part-financing is requested will be used efficiently.

Level of inspections

Common definitions of the different kinds of inspection must first be established, distinguishing in particular between basic and in-depth inspections. The Commission will need to hold meetings of groups of experts where these definitions can be worked out. The Member States will then have to apply the resulting standards accurately when reporting the numbers of inspections of various kinds actually carried out.

The Commission will be organising consultations with the Member States later in 1998 to detail the types of information required as regards resources and effort and to define the different kinds of inspections.

II - 2. Infringements and penalties

Efforts will need concentrate on tackling the most serious infringements. The first stage will be to incorporate this approach in the amended version of Regulation (EEC) No 2847/93³. The second will be to draw up a draft list of the infringements considered to be major, based on earlier ones drawn up in particular by regional fishery organisations. Rules will also have to be laid down about sending on to the Commission any information about action to deal with apparent serious infringements that are identified.

Apart from the urgency of addressing the most serious infringements, it is essential for each Member State to be aware of the procedures existing in the other Member States. The Commission will need to supplement the review it commissioned in 1995.

³ Council Regulation (EEC) n° 2847/93, of 12 October 1993, instituting a control regulation applicable to the Common fisheries policy - OJ L 261 of 20.10.1993, p. 1.

II - 3. Annual reporting by the Member States and in-depth assessments

Adopting precise definitions will make it possible to make objective comparisons of the resources deployed by the different Member States. The information for each calendar year reported by the Member States should be combined into an annual report for that year by not later than the second quarter of the following year.

To order to evaluate not just the resources themselves but in particular the results achieved through their deployment, the Commission's inspectorate should also be able to collect evidence as to whether the national systems are functioning well or badly. This implies extending the autonomy it already enjoys in order to make the necessary observations.

By contrast, it is not considered particularly useful to continue with the annual round of comprehensive Commission reviews of all aspects of monitoring. It would be better to keep the basic annual reports to a strictly factual assessment, with an in-depth analysis every three years. For its own part, the Commission will try to account each year for the way in which it has deployed its own resources during the year. Special reports could be devoted to individual problems.

II - 4. Other Commission measures

In promoting cooperation between national administrations the Commission will do its best to increase transparency, in particular by encouraging exchanges of inspectors and inviting national inspectors to join in "Community" inspection visits. Rules governing this participation will have to be included in the amendments to Regulation (EEC) No 2847/93.

The Commission should also encourage the use of existing possibilities (exchanges of inspectors between monitoring services) and ensure that any new arrangements allowing inspectors from the Member States to participate in Community programmes are implemented as soon as possible.

Commission inspectors should also make use of their inspection visits in Member States to explain what they have been doing in other Member States and so allay unfounded suspicions wherever possible. Starting in 1998, this will be part of their official duties.

III. Cooperation

III - 1. Cooperation between services within a single Member State

Coordination and task-sharing among the various services within a Member State are a natural expression of subsidiarity. However, each Member State has an obligation to ensure that the CFP works properly. Each Member State, therefore, needs to define rules governing the roles of the different partners and the links between them. The Commission needs to be in a position to assess the effectiveness of national arrangements and report on them to the other Member States. It is up to each Member State to adapt its internal structures in appropriate ways.

The aim is not to make the task-sharing and cooperation procedures the same in all Member States. Local peculiarities have to be respected. But the level of efficiency achieved by the different Member States has to be much the same.

III - 2. Cooperation on a Community-wide scale

The first requirement is to guarantee cooperation among the national administrations and with Commission departments so as to ensure the fullest possible compliance with the rules of the CFP. This principle needs to be stated in the new amended version of Regulation (EEC) No 2847/93. A national administration should be able to request, for instance, that another Member State take over surveillance at sea when a fishing vessel enters another EEZ, or that it inspect the catch of a specific vessel on landing when, for example, doubts arising from an inspection at sea cannot be dispelled without a detailed check being carried out in port. Member States must not, however, be given the right to demand that others accede to their every request.

On the other hand, there needs to be a guarantee that requests will, generally speaking, be taken up since the Commission must be able to confirm that, over a given year, reasonable calls for assistance have received an adequate response.

Care must also be taken to ensure that infringements noted by the fisheries surveillance officers of one Member State are suitably followed up in the Member State which will have to decide on any penalties. The issues of admissibility and transmission of documents will have to be clarified.

Specific fisheries involving more than one Member State may well require a coordination of action among national administrations and with the Commission, as happened in the North Sea herring fishery in 1996. Room must be left for laying down precise procedures to apply in specific cases, to be identified by the Council on a proposal from the Commission.

A Member State that introduces national measures to encourage its nationals to comply with CFP rules should, wherever possible, be able to count on the cooperation of the other Member States. For example, where one Member State introduced quotas for individual vessels and the controls by another Member State find that such a quota has been exceeded, this information should be passed on to the flag State.

In the field of cooperation, laying down a set of basic rules is only one aspect - an essential one but not a matter of the highest priority. The most important element is to foster links between national administrations on specific issues. The Commission therefore needs to hold a series of technical meetings among experts to deal either with horizontal methodological problems or with schemes in pilot fisheries requiring close cooperation between the Member States concerned.

Such pilot schemes could well include the following:

- checks on catches and landings of demersal species from divisions VII and VIII, with special attention to hake and monkfish;
- technical measures for the hake fishery in Region 3;
- driftnet fishing;
- the herring, mackerel, and horse mackerel fisheries in Region 2;
- the plaice and sole fisheries in the North Sea and divisions VII and VIII, with special attention to the source of catches and their transportation after landing;
- the cod and salmon fisheries in the Baltic.

Starting as soon as 1998, some pilot fisheries should be the focus of closer cooperation with a view to extending and possibly amplifying the efforts already being made as well as trying out cooperation procedures which, at a later stage, can be developed into detailed rules.

As for the meetings among experts, the following subjects should be covered before the end of 1999, starting if possible in 1998:

- the introduction of satellite position-monitoring;
- measurements of capacity and, more specifically, engine power;
- adapting the layout of administrative documents (logbooks, and landing records, sales slips) for the Mediterranean and specialised fisheries (e.g. tropical tuna);
- sampling to estimate the quantities landed or sold by types of vessels that benefit from exemptions;
- procedures for cross-validating the various types of data in computerised databases;
- drawing up codes of conduct for inspections;
- procedures for exchanging information on infringements that have come to light;
- harmonising controls on resource conservation, the market organisation, health and hygiene, and imports from non-member countries.

Finally, exchanging inspectors or allowing them to take part in inspections missions carried out by other Member States contributes to transparency and encourages cooperation.

The discussion of the lessons to be drawn and the potential for synergy with non-CFP cooperation machinery at Community level should be completed by the end of the first half of 1999 so that practical conclusions can be drawn before the beginning of 2000.

IV. Non-member countries

General rules

Vessels of non-member countries fishing in European Union waters or landing their catches in Union ports must be checked as effectively as Community vessels.

Attention has also to be given to links between activities in support of fishery controls and other aspects of EU external relations. In order to find the right balance, contacts need to be fostered with non-member countries and international cooperation in the field of controls, both multilateral and bilateral, should be reinforced.

There needs to be a special emphasis on monitoring any measures adopted by regional fisheries organisations to which the Union belongs, and wherever possible ensuring consistency between those measures and others adopted under the CFP; we need to encourage the enforcement of responsible fishing worldwide and support non-member countries working towards this goal. The utmost vigilance has to be paid to the dangers arising from flags of convenience and even "ports of convenience".

Negotiations with non-member countries must not, however, be made more difficult by rigid and absolute horizontal rules. The special features of each agreement should take precedence. That being said, any control-related measure resulting from

negotiations with non-member countries - bilaterally or in the context of regional organisations - should as far as possible be incorporated in to Community rules.

Vessels of non-member countries fishing in Community waters

Measures applying to Community vessels (e.g. monitoring by satellite) must be extended to non-member countries at the earliest opportunity. Equally, vessels of non-member countries must not be allowed to leave Community waters and land their catches at ports outside the Community until fisheries inspectors have been given an opportunity to physically check the quantities of fish on board.

Actual conditions vary considerably from sector to sector. Mandatory checkpoints are a more realistic proposition in the Atlantic than in the North Sea or the Baltic. The possibility of having different sets of arrangements as between regions must therefore be maintained and established in close cooperation with "coastal" Member States.

Catches landed by vessels from non-member countries

Member States must be given support in the form of Community rules that take into account the various situations arising, i.e.:

1. whether the vessel landing its catch is or is not flying the flag of a country with which a fisheries agreement has been signed;
2. whether the catch purportedly comes from Community waters, international waters or the waters of a non-member country with which the Union may or may not have concluded an agreement;
3. whether the fisheries concerned are or are not regulated by a regional fisheries organisation.

The main aim must be to avoid a continuation of circumstances under which a catch can be claimed to come from an unregulated area without further proof as to its origin. Detailed agreements should be sought with non-member countries laying down

rules for inspections on landing and the exchange of information. We should also continue to promote effective regional organisations which can lay down rules on monitoring landings where these do not yet exist.

Landings by Community vessels in non-member countries

The countries concerned should agree to pass on the required information to the relevant authorities in the Union. This means working on the basis of reciprocity in accordance with the rules set internationally.

V. Backing for effective checks

The first target group are fishermen themselves and others working in the industry, the aim being to convince them of the need for more effective controls. To achieve progress in this area, the Commission work with the Advisory Committee.

Our regulatory texts need to be as clear and precise as possible. Where the basic legislation cannot be further simplified, documents should be produced listing and explaining all the aspects of a given fishery.

Strict limits should be set on the burden of extra work involved in reporting data for the purpose of fishery controls. No-one in the industry, fishermen in particular, should be asked to copy out the same information for different purposes. Owner-skipper keep logbooks that are much more detailed than are required under the control regulation. Computerisation would help fishermen to ensure that the detailed data constituting their own personal records are preserved in electronic form, subject to a guarantee of complete confidentiality, while the aggregate data required under the control regulation could be automatically extracted and saved on a file meeting the statutory requirements. The same approach could be applied to other types of records. This is comparable to what is already being done to report fishing

effort, which is now almost fully automatic for vessels fitted with satellite transponders. The Commission could organise feasibility tests and/or carry out pilot schemes with interested Member States.

At the end of the year 2000 we will need to review all the possibilities for simplification, particularly in the light of experience gained with satellite monitoring.

Those working in the industry must also be able to see for themselves that the information they are required to report under the current regulations is actually being used. It is essential to provide feedback in the form of summaries they can be used (such as maps showing yield by fishing area, price movements, etc.). This type of feedback is already routinely provided in some Member States. This practice should be made more widespread, if possible without any duplication of effort; software is available which, with a few changes, could well prove useful in several Member States.

A general strategy to raise awareness should also be drawn up, to take account of all the different actors concerned and available channels of communication. The international conference on fisheries monitoring scheduled for 1999 should form a part of this strategy.

VI. Optimising the cost-effectiveness of fishery controls

As emphasised in COM(98) 92 (final), the cost of fishery controls can increase very quickly. Accordingly, we have to seek to optimise cost-effectiveness. This calls for a threefold approach: the use of new technology, coverage of the production-marketing chain and the introduction of rational strategies for deploying the means used for monitoring.

VI - 1. Encouraging the use of new technologies

New technologies are an essential aspect of our ability to meet the challenges of increasingly effective fishing gear and equipment, derived from technical progress. Trials with new techniques of monitoring should be encouraged. On the other hand, it would not be efficient for Member States to undertake an uncoordinated exploration of the possibilities available. As in the case of satellite monitoring, the Commission has a role to play as an instigator and coordinator.

Under the heading of new technology, advances have already been made in the field of information technology equipment and the use of satellite transponders. These developments are not yet fully operational and need to be consolidated, but it is also important to pave the way for other tools.

VI - 2. Covering the whole marketing chain - checks after landing

There are Member States in which landings are heavily concentrated on for example, particular ports thus making control much more cost-effective. It is only natural that controls operated by those Member States should concentrate on such landings. On the other hand, there are many instances where, to be effective, controls should go beyond the standard dual format of inspections at sea and on landing. Inspectors must have rules that enable them to operate at any stage of the marketing process, be it upstream of fishing itself (viz. structures) or downstream, in particular after the fishery products have been landed.

With regard to fishing capacity, the first step should be to harmonise the methods used for measuring engine power and this in turn calls for agreement between Member States. Checks on capacity and fishing effort should also be based on cross-checking independent data, in accordance with a principle underlying the present control regulation. This principle should be applied more widely.

When it comes to improving checks after landing, the overriding principle is traceability. This is a significant issue that even goes beyond the monitoring of the CFP (consumer confidence, compliance with responsible fishing). The first step should be to fill the gaps referred to in the Commission's communication regarding fish sold through channels other than auctions at the port of landing. The haulier or person in possession of a consignment of fish should be required to provide proof that a previous sale has actually taken place. In addition, the identity of the person responsible for a particular consignment and the accuracy of the accompanying documents must be established. Special attention must be paid to fish likely to have come from illegal landings because they are below the legal size. Synergy with measures relating to the common organisation of the market must also be strengthened.

VI - 3. Definition of integrated strategies

To implement an overall strategy, it is essential:

1. to have a clear overview of the resources available;
2. that these resources should cover all possible monitoring measures;
3. that cooperation mechanisms should serve to link the actions of different departments;
4. to make use of the potential for synergy with the monitoring of other provisions than Regulation (EEC) No 2847/93;
5. to recognise which control areas are the most important so that financial resources can be concentrated on these;
6. to analyse the cost-effectiveness of the various potential monitoring strategies.

The first three points mentioned above have already been discussed.

Establishing a link between the monitoring of provisions other than those in Regulation (EEC) No 2847/93 is essential for two reasons. Firstly, to avoid duplicate or superfluous checks and to limit the checks to which fishermen and others in the industry are subject to; and secondly, to take advantage of the fact that inspectors have to be present and take action for reasons other than monitoring Regulation (EEC) No 2847/93. For instance, monitoring of compliance with health and hygiene rules could be coupled with monitoring the common organisation of the market or conservation of resources.

Identifying the major problems requires ongoing dialogue between the Member States and the Commission. Discussions have to be held each year with individual Member States to compare ideas on what should be considered priorities. The Commission must also draw all the Member States' attention to the problems it finds the most urgent on a Community-wide level, even if they are of only modest significance for individual Member States, and when solutions require intense cooperation between Member States.

Rules on allocating monitoring resources between fisheries and types of intervention are also needed as well as a strategy for combining the different types of inspections. Each Member State should indicate what approach it intends to take. It must make clear its rules for allocating monitoring resources and for combining different types of activity (e.g. combining inspections at sea and ashore, checks after landing and then on transport and sales). The Commission must be in a position to discuss the strategy used with each Member State. In the event that the Commission is not convinced of the relevance of the strategy used by a Member State following these discussions, it must report this fact.

Where a problem entails concerted action by several Member States the Commission's role is to provide encouragement (as it has started to do for some fisheries - cooperation and pilot cases).to speed up arrangements for the required cooperation

In optimising monitoring strategies, we must consider the cost-effectiveness of the various types of monitoring (inspections at sea, on landings, checks after landing, direct inspecting of activities, examining documents, etc.). The Commission must continue its efforts to obtain studies on the economic aspects of fishery controls and make sure that their conclusions are given wide distribution.

VII. Summary timetable for 1998 and 1999

Main measures in 1998

Activities involving Community budget spending

- Decision on contributions towards Member States' monitoring expenditure (continuing to take into account the criteria already mentioned: priority for new technologies, training and exchanges, need must be demonstrated and guarantees given that the funds will be used properly)
- Financing studies into the use of new technologies, an additional review of national regulations on monitoring, didactic materials and economic studies of controls
- Inclusion of issues relating to fishery controls in the Fifth Framework Programme on Research.

Cooperation

- Initial series of meetings on horizontal topics (cf. III.2)
- Meetings on pilot fishery schemes which require close cooperation among the Member States concerned and between the Member States and the Commission (cf. III.2)
- Meetings with each Member State on the problems of coordination between services (cf. III.1) and on strategy for allocating monitoring resources (cf. VI.3)
- Special meeting of the Consultative Committee.

The Commission as organiser and observer

- Communication from the Commission to the Council on costs imposed on fishermen and others working in the industry as a result of monitoring measures
- Annual reports covering the years 1996 and 1997.

Regulations

Council Regulation(s):

- Amendments to Council Regulation (EEC) No 2847/93 and, if necessary, the markets regulation
- In connection with technical measures, adoption of a Council Regulation laying down the terms and conditions under which different mesh sizes may be used in the same fishing trip.

Implementing regulations

Priority should be given to regulations on:

- logbooks, in particular adapting them for the Mediterranean
- marking of fixed gear.

Where needed, other implementing regulations should also be adopted from 1998 onwards, in particular rules on transshipments and fishing carried out cooperatively by several vessels.

Other measures by the Commission

- Carrying out Community inspections in the Member States, concentrating a large part of resources on the issues connected with the pilot fishery schemes
- Continuing to contribute to NAFO inspections
- Intensifying contacts with non-member countries where there is an overlap in fisheries monitoring, after discussion with the Member States
- Developing computerised data exchanges between the Commission and the Member States, in particular to facilitate their access to data held by the Commission.

Main measures in 1999

Budgetary

- Continuing to decide on contributions towards Member States' monitoring expenditure, focusing on the introduction of the second phase of satellite tracking,
- Financing studies and other work necessary to further develop monitoring
- Preparing the action to be taken after 2000 on the Decision enabling the Community to contribute towards Member States' expenditure on fisheries monitoring (assessment and proposal).

Cooperation/encouragement

- Continuing meetings with monitoring authorities and experts in the Member States, both to supplement the meetings on specific issues and to intensify coordination of the pilot fishery schemes and prepare for the introduction of measures entering into force in 1999 or 2000
- Finalising the communication strategy (first half of 1999)
- International meeting on fishery controls (second half of 1999)
- Conclusions regarding Community-wide cooperation mechanisms, extending reflection beyond the framework of the CFP.

The Commission as organiser and observer

- Annual report on monitoring activities in 1998
- In connection with this report, an assessment will be made of the types of inspections in the Member States, cooperation and exchange procedures and the role played by Community assistance (cf. above, continuation of Decision 95/527).

Regulations

- Finalising all the implementing and amending regulations relating to Regulation (EEC) No 2847/93.
- If necessary, amending other regulations (e.g. markets).
- If possible, consolidation of the control regulation including the monitoring provisions in the technical measures regulation.

Other measures

- Clarifying the responsibilities of national administrations with regard to monitoring in the NAFO area.
- Organising inspections in the Mediterranean.
- Continuing contacts at international level in order to harmonise monitoring rules.
- Organising an international conference on control.

Main measures in 2000

Budgetary

- Implementing the replacement for Decision 95/527/EC.
- Financing studies and research.
- Providing financial support for measures linked to the communications strategy agreed in 1999 and/or resulting from the international conference on controls.

Cooperation/encouragement

- Meetings to accompany the launch of the final phase of the satellite project and other new technologies decided on.
- Continuing the meetings on fisheries which require close coordination (list of pilot fishery schemes to be adapted in line with developments in 1998-99).
- Meeting on the follow-up to the international conference on control and in connection with the communication strategy.

The Commission as organiser and observer

- Distributing information received from the Member States in connection with annual reports
- Comparative assessment of the scale of inspections in the individual Member States.

Regulations

- Discussion on the scope for simplifying current rules, with reference to experience gained from satellite monitoring in particular (to be further worked on in 2001).

Annex I

Additional detail to amplify the response in the action plan to the shortcomings identified in the communication on monitoring

This Annex reviews the major remaining shortcomings identified in the Commission's recent communication on monitoring and suggests in detail how each of them could be overcome. It follows the format in paragraph II of the communication. As a number of issues are dealt with in the main body of this paper, a simple reference is included here to that part whenever relevant. However, where points are not dealt with expressly in the main text, a detailed treatment is given here.

I. Monitoring of fleets

A series of inspections is currently under way, focusing among other things on the validation of the data used in MAGP IV to provide the reference levels. This initial initiative will have to be followed up by a meeting of a group of experts in 1998. At that meeting the methods applied in the various Member States will be described and experiences compared.

In addition, when the Regulation on logbooks is being reviewed consideration should be given to the possibility of improving the recording of effort data. Rules need to be laid down also in a Commission regulation on the procedures for validating data on capacity and fishing activities .

II. Controls at sea

(a) Lack of uniformity of the resources deployed

See main text (transparency)

(b) Limitations of the logbook system

The Commission needs first of all to deploy all the means at its disposal to ensure that logbooks are written up in full, validated and processed where the Regulation prescribes (this is a priority in 1998 for Community inspections and for action to be taken where shortcomings still remain).

The Commission must also ask Member States to provide details of the systems in place to monitor vessels qualifying for exemptions.

Regulation (EEC) No 2847/93 also need to be amended to end the problems associated with limits on the list of species, and the Regulation on logbooks needs amending to adapt it for the Mediterranean, where its provisions will apply from 1999, and to reflect special features of the different Community fisheries.

(c) Movements of vessels between EEZs

The adoption of rules in this context does not appear necessary. The arrangements already in place (satellite monitoring; notification of changes of zone and of quantities held on board in the Atlantic) must first be exploited to the full, and to do this it is necessary to establish closer contacts between the administrations concerned, as part of the pilot schemes referred to elsewhere.

(d) Inspection guidelines

The priority should be to draw up a code of good conduct, which could take the form of Commission recommendations, prepared in close cooperation with the Member States concerned. At a later date the inclusion of certain provisions in an implementing regulation may be feasible, and the possibility to do this through a Council Regulation must be maintained.

(c) Transshipments

Regulation (EEC) No 2847/93 must be amended so that, from 1998, transshipments can take place only in situations where checks can be carried out. As the practical problems differ from one zone to another, the rules required for limiting transshipments to situations that can be checked will also have to vary according to geographical area. This is a matter to be dealt with in implementing regulations drawn up in cooperation with the coastal Member States concerned.

Although this issue was not considered in detail in the Commission's communication, fisheries where more than one vessel is involved (cf. pair trawling, one vessel taking on the whole or part of the catch of another) will require a similar approach.

These issues will also have to be addressed in the context of the review of the logbooks regulation.

(f) Mesh sizes

The immediate priority remains compliance with the rules on exemptions from mesh sizes together with the question of minimum sizes. The problems arising in region 3, mainly in connection with trawling for hake, are crucial here. This is why the proposal is to treat the fisheries concerned as pilot schemes requiring close coordination.

The Commission must continue to ensure that this issue remains a priority for its own inspections.

The most important problem in the medium term will continue to be the use of several mesh sizes during the same fishing trip. Although the Commission's proposals for a single-net rule have not been taken up, there seems a good chance of progress on defining special conditions for monitoring combinations of net sizes that are likely to present a danger of fraud. An appropriate Council Regulation should be adopted before the end of 1998.

III. Checks on landings

(a) Lack of uniformity of effort deployed

See main text - transparency

(b) Basic documents

It is necessary firstly to ensure that records of sales and landings are in fact made out, registered, electronically processed and validated. Member States must then describe their methods for monitoring landings that are covered by exemptions. The Commission needs to undertake all the follow-up work and exert the necessary pressure.

In addition the Commission must ensure that the implementing regulation on cross-validation is adopted, if possible after the experience and views of experts in the Member States have been compared.

(c) Multiplicity of landing sites

Each Member State is responsible for restricting, where necessary, or increasing, the number of authorised landing sites and for the level of inspections on landings, in order to ensure the probability of adequate and deterrent controls being carried out. The Commission, however, must ensure that a balance is struck between the resources deployed on inspections and the control tasks as determined by the number of possibilities and facilities for landings.

(d) Separate marketing channels *(see also main text)*

Clarification is needed of the rules to be applied where fish are transported before being sold. Such rules should be tailored to the various situations that can arise. Where there is vertical integration, the option of Commission rules should be considered to take account of the details of possible alternative channels.

IV. Marketing

As a matter of urgency, the arrangements under which inspections may be made after landing and up to the point of final sale need to be made more effective as a matter of urgency, in order to stop the fraudulent marketing of undersized fish. Harmonisation is also needed between the provisions on technical measures and the marketing categories.

The Commission will arrange meetings and consultations to ensure closer cooperation among the Member States.

Monitoring of the CFP also needs to be properly integrated into the overall framework of controls on Community rules. The scope for synergy among controls carried out on the market organisation, conservation measures, health and hygiene rules, and even customs rules, should be exploited. Discussions on this issue could be organised by the Commission, bringing in the various Directorates-General concerned and involving the Member States (cf. main text, VI.3).

ANNEX 2

ACTION PLAN ON FISHERY CONTROLS

Transparency

	MEMBER STATES	COMMISSION
1998	<ul style="list-style-type: none"> - Transmit in analytical data (cross-checkable) on the resources available for monitoring fisheries and their deployment ¹ - Produce outline of provisions on penalties - Propose exchanges of inspectors - Prepare for meetings to be organised by the Commission to define types of inspections and serious penalties 	<p><u>Budget</u></p> <ul style="list-style-type: none"> - Include transparency guarantees in financial decisions¹ - Fund a supplementary review of national regulations on monitoring of fishing <p><u>Commission as organiser and observer</u></p> <ul style="list-style-type: none"> - Detail the Member States' requirements regarding 1997 controls - Collate the contributions of the Member States for the annual report ¹ - Report on monitoring activities in 1996 and 1997 <p><u>Cooperation</u></p> <ul style="list-style-type: none"> - Meetings to define types of inspections and major infringements <p><u>Regulations</u></p> <ul style="list-style-type: none"> - Propose amendments to Council Regulation (EEC) No 2847/93 - Draft implementing regulation to define data to be included in Member States' annual monitoring reports <p><u>Other</u></p> <ul style="list-style-type: none"> - Better utilisation of Community inspections to ensure greater transparency
1999	<ul style="list-style-type: none"> - Prepare data indicating the number of inspections undertaken by type ² - Propose lists of national inspectors available to participate as observers in the work of Community inspectors ² 	<p><u>Budget</u></p> <ul style="list-style-type: none"> - Prepare to take follow-up action on Council Decision 95/527/EC <p><u>Commission as organiser and observer</u></p> <ul style="list-style-type: none"> - Review the monitoring facilities available to the Member States and the contribution which Community aid can make - Distribute the supplementary review of legislation <p><u>Cooperation</u></p> <ul style="list-style-type: none"> - Organise missions with the participation of national inspectors <p><u>Regulations</u></p> <ul style="list-style-type: none"> - Propose definitions of major infringements and the rules for dealing with them <p><u>Other</u></p> <ul style="list-style-type: none"> - Conduct inspections to validate the information on resources used for monitoring
2000	<ul style="list-style-type: none"> - Transmit in information about action taken on serious infringements 	<p><u>Budget</u></p> <ul style="list-style-type: none"> - Depending on the follow-up on Decision 95/527/EC <p><u>Commission as organiser and observer</u></p> <ul style="list-style-type: none"> - Detailed and comparative assessment of the scale of inspections <p><u>Cooperation</u></p> <ul style="list-style-type: none"> - First assessment of action taken on serious infringements

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¹ Action to be repeated in 1999 and 2000.

² Action to be repeated at least in 1999.

COOPERATION

	Member States	Commission
1998	<ul style="list-style-type: none"> - Prepare an outline of how tasks are allocated and coordinated among the various services involved in control - Organise the participation of the services involved in control at a meeting with the Commission (subject: organisation of internal cooperation and strategies on the allocation of efforts) - Participation in coordination meetings organised by the Commission³ - Propose exchanges of inspectors⁴ - Operational organisation of controls in coordination with other Member States³ 	<p><u>Budget</u></p> <ul style="list-style-type: none"> - Budget decisions to promote exchanges³ <p><u>Cooperation</u></p> <ul style="list-style-type: none"> - Organise meetings with the Member States on the most urgent problems of methodology and on pilot fisheries <p><u>Regulations</u></p> <ul style="list-style-type: none"> - Proposal for amendments to Regulation (EEC) No 2847/93 <p><u>Other</u></p> <ul style="list-style-type: none"> - Facilitate access by the Member States via computer to information available at the Commission
1999	<ul style="list-style-type: none"> - Outline the procedures for follow-up action on infringements which are identified by the services of another Member State - Improve the computer links with other Member States and the Commission 	<p><u>Budget</u></p> <ul style="list-style-type: none"> - Examine the scope for supporting exchanges after 2000 (follow-up to Decision 95/527/EC) <p><u>Cooperation</u></p> <ul style="list-style-type: none"> - Organise further meetings on methodology - Continue meetings on pilot fisheries - Analyse together with the Member States the issues connected with transferring infringement cases - Prepare a code of conduct for inspections <p><u>Regulations</u></p> <ul style="list-style-type: none"> - As necessary, propose detailed rules to govern cooperation machinery⁵ <p><u>Other</u></p> <ul style="list-style-type: none"> - Improve the scope for data exchange
2000	<ul style="list-style-type: none"> - Ensure cooperation with other Member States and the Commission in implementing the second phase of satellite tracking 	

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³ Action to be repeated at least in 1999.

⁴ Action to be repeated in 1999 and 2000.

⁵ Action also to be envisaged for 2000.

SPECIFIC ACTIONS CONCERNING NON-MEMBER COUNTRIES

	MEMBER STATES	COMMISSION
1998	<ul style="list-style-type: none"> - Follow negotiations⁶ - Implement monitoring operations agreed on by international organisations - Monitor measures agreed within NAFO and prepare for operations after 1998 - Checks on landings in ports and on fishing activities in the EEZs of the Member States by vessels of non-member countries⁶ - Report to the Commission on exchanges (or non-exchanges) of information with non-member countries⁶ - Implement satellite monitoring of vessels operating under Regulation (EEC) No 2847/93 and of pilot projects under the terms of certain fishing agreements 	<p>Budget</p> <ul style="list-style-type: none"> - Fund the NAFO observers programme - Charter a patrol ship for NAFO monitoring - Contribute to financing satellite equipment on vessels fishing outside Community waters <p>Cooperation</p> <ul style="list-style-type: none"> - Meetings on the coordination of controls in international fisheries⁶ - Prepare for international conference in 1999 (in collaboration with Member States) <p>Regulations</p> <ul style="list-style-type: none"> - Propose amendments to Regulation (EEC) No 2847/93 and, if required, to the "market regulation" - Draft implementing regulations <p>Other</p> <ul style="list-style-type: none"> - Participate in NAFO inspections - Conduct bilateral and multilateral negotiations^{6,7}, continuing to emphasise the importance of controls and ensuring reciprocity and effectiveness - Develop direct contacts with public authorities in non-member countries.
1999	<ul style="list-style-type: none"> - Implementation by Member States of the NAFO Scheme of Inspection. - Outline the arrangements made for monitoring landings and imports originating in non-member countries 	<p>Budget</p> <ul style="list-style-type: none"> - Fund two monitoring vessels (Atlantic/Mediterranean) - Analyse existing facilities and future requirements <p>Cooperation</p> <ul style="list-style-type: none"> - Continue the coordination meetings on control within regional fishery organisations - Organise international conference on control - Analyse links between customs rules and monitoring of fishing <p>Regulations</p> <ul style="list-style-type: none"> - Any follow-up on implementing regulations - Define the role of the Member States in implementing controls agreed on within regional fishery organisations <p>Other</p> <ul style="list-style-type: none"> - Participate in inspections and monitoring in the NAFO area and the Mediterranean
2000	<ul style="list-style-type: none"> - Implement the second phase of the satellite project, in particular in the Mediterranean 	<p>Budget</p> <ul style="list-style-type: none"> - Depending on follow-up on Decision 95/527/EC <p>Commission as organiser and observer</p> <ul style="list-style-type: none"> - Prepare comparison of the levels of monitoring of fishing and landings by non-member country vessels in the various Member States

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⁶ Action to be repeated in 1999 and 2000.

⁷ Timetable depends on the schedules of each regional organization.

LEVEL OF AWARENESS TO SUPPORT CONTROLS

	MEMBER STATES	COMMISSION
1998	<ul style="list-style-type: none"> - Promote awareness of the importance of effective controls ⁸ - Report to the Commission on obstacles encountered in developing awareness ⁸ - Prepare pilot projects on the use of new technologies to make it easier for fishermen and the industry to comply with the rules (pilot projects on simplification and automating of procedures) 	<p>Budget</p> <ul style="list-style-type: none"> - Fund studies on the scope for computerising administrative documents - fund the production of training material ⁸ <p>Cooperation</p> <ul style="list-style-type: none"> - Meeting of the Consultative Committee - Make contacts with persons responsible for vocational training of fishermen - Prepare international conference on control <p>Other</p> <ul style="list-style-type: none"> - Prepare an overall communication strategy on control (to be finalised at the beginning of 1999)
1999	<ul style="list-style-type: none"> - Propose pilot projects on simplification and the automating procedures 	<p>Budget</p> <ul style="list-style-type: none"> - Fund activities relating to the communication strategy ⁹ - Fund pilot projects on simplifying/automating procedures <p>Cooperation</p> <ul style="list-style-type: none"> - Convening of the international conference - Meeting on how to organise feedback to fishermen of information obtained from control documents <p>Regulations</p> <ul style="list-style-type: none"> - As required, consolidate the control regulation <p>Other</p> <ul style="list-style-type: none"> - Finalise the communication strategy
2000	<ul style="list-style-type: none"> - Analyse the impact of transmitting data via satellite on the simplification of procedures 	<p>Budget</p> <ul style="list-style-type: none"> - If feasible, fund further activities linked to the communication strategy, and follow-up to the international conference <p>Cooperation</p> <ul style="list-style-type: none"> - Meetings with Member States to analyse the scope for simplifying monitoring tasks, including <i>inter alia</i> further automating of procedures

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⁸ To be continued through 1998 / 1999 / 2000.

⁹ To be continued in 2000.

COST/EFFECTIVENESS OF CONTROLS

	MEMBER STATES	COMMISSION
1998	<ul style="list-style-type: none"> - Implement the first phase of the satellite project - Transmit in an outline of the allocation of tasks and coordination among services involved in the monitoring of fishing - Outline the strategy for allocating monitoring resources between fisheries and to each part of the production chain - Analyse the scope for synergy between controls provisions of Regulation (EEC) No 2847/93 and control under other Regulations ¹⁰ 	<p>Budget</p> <ul style="list-style-type: none"> - Support satellite projects and computerisation - Fund studies and research connected with controls ⁸. - Include control as a priority in the Fifth Framework Programme (research) <p>Commission as organiser and observer</p> <ul style="list-style-type: none"> - The Commission indicates the problems which it considers require a particular monitoring effort throughout the Community <p>Regulation</p> <ul style="list-style-type: none"> - Proposal for amendments to Regulation (EEC) No 2847/93 to improve controls on products after landing <p>Other</p> <ul style="list-style-type: none"> - Meeting in each Member State to enable the Commission ⁸ to understand the priorities and internal organisation in each Member State ¹¹ - Facilitate access by the Member States via computer to information available at the Commission
1999	<ul style="list-style-type: none"> - Improve computer links. - Analyse the correctness of the allocation of monitoring resources between fisheries and sectors ¹¹ - Where appropriate, adjust the resource allocation and internal cooperation machinery ¹¹ 	<p>Budget</p> <ul style="list-style-type: none"> - Take account of linkage between Member States' requests for financial assistance and their monitoring strategies <p>Cooperation</p> <ul style="list-style-type: none"> - Meeting with Member States on procedures for cross-validation of data used in each Member State and to review progress on computerisation - Meetings on: coordinating all the parties involved in fishery controls, possible synergies with other aspects of monitoring (market organisation, health and hygiene), optimisation of strategies <p>Commission as organiser and observer</p> <ul style="list-style-type: none"> - Disseminate the results of studies and research into the contribution of new technologies and economic studies on control <p>Regulations</p> <ul style="list-style-type: none"> - Final modifications to implementing regulations (structures, monitoring after landing, cross-validation) - Improve the scope for computerised data exchange between the Member States and the Commission
2000	<ul style="list-style-type: none"> - Implement the second phase of satellite monitoring 	<p>Budget</p> <ul style="list-style-type: none"> - Depending on follow-up on Decision 95/527/EC <p>Cooperation</p> <ul style="list-style-type: none"> - Prioritise the implementation of the second phase of satellite monitoring <p>Commission as organiser and observer</p> <ul style="list-style-type: none"> - If needed, conduct a comparative review of the control strategies of the various Member States - Meet with experts from the Member States to explore potential of new technologies

¹⁰ To be continued in 1999 and 2000.

¹¹ To be continued in 2000.