WORKSHOP ON THE EU FISHERIES CONTROL SYSTEM

Brussels, 16 November 2017

STAKEHOLDER CONSULTATION

MEDAC CONTRIBUTION

This document has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for consultation with Member States and stakeholders in the context of the revision of the EU Fisheries Control System.

Stakeholder consultation on the policy options proposed in the inception impact assessment[1] in order to tackle the shortcomings identified by the evaluation of the EU fisheries control system.

Stakeholders should express their views on the 3 proposed policy options. Stakeholders are also invited to express their opinion on certain specific actions that could be envisaged in Options 2 and 3 as outlined in this document.

Option 1: No policy change. Continue current policy and focus on implementation and enforcement of existing framework

The continuation of the current situation is taken as baseline to assess the impacts of the other proposed policy options.

MEDAC considers that the change of the current EU's Control Regulation (CR) is necessary. The reasons are going to be expressed throughout this document in option 2.

Oceana, WWF and CNPMEM express serious concerns regarding the proposed fast-track revision process of the CR and particularly the Commission's intention to skip a standard and open stakeholder consultation and substitute it instead by "targeted consultation", in clear contradiction with the European Commission's own Better Regulation Guidelines.

Option 2: Amendment of the Fisheries Control Regulation

This option foresees amendment of the provisions of Control Regulation to: 1) increase effectiveness and coherence of rules, in particular as regards sanctions and point system, follow up of infringements, data exchange and data sharing, traceability, recreational fisheries, monitoring and catch reporting tools for vessels below 12 meters; 2) simplify the current legislative framework, including by clarifying provisions prone to different interpretations that resulted in problematic and uneven implementation and by addressing the numerous derogations and by addressing the numerous derogations; 3) bridge the gaps with CFP, in particular with the landing obligation; 4) promote the use of harmonised and/or interoperable (at national level) IT tools; 5) increasing synergies with other policies, notably the fight against IUU fishing, environment, markets and security, and 6) align the text with the Lisbon Treaty.

MEDAC is in favour of a simplification and harmonization of the current CR that contains generic rules and does not take into account the reality of the fishing sector in each area, and therefore, one of the most difficult aspects has been the application and the interpretation of

[1] https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-4808152_en

the rules. So, MEDAC deems appropriate to adapt the rules to the activity of the fishermen, taking into account the state of stocks, the legality of ships and operations, and the safety of people. So, in order to proceed with the amendment of the current CR first of all it is essential a socio-economic impact study to foresee the consequences that the implementation of the rules could have on the fishing community, as well as the active participation of the stakeholders in the elaboration of the regulation to ensure that it will adapt to the reality of the fishing sector and therefore to guarantee the compliance. MEDAC, suggests that this new CR should have a common framework but then give the possibility to each MS to legislate in detail the rules that will be more appropriate to the reality of that basin.
Furthermore, the amendments to the aforementioned Regulation must prevent the costs of control from falling on the companies, however the same detail of information and effectiveness must be ensured. In this regard, it is proposed to eliminate for all the VMS system (blue box), which has maintenance and subscription costs charged to fishing companies, leaving instead the AIS system, which does not have these problems and which also provides a continuous track over time of changes of position.

In order to do this it will also be necessary to align the dictates of the next structural funds (2021/2028), making them more usable and streamlined procedures.

Finally MEDAC considers important, for the purposes of verification of effectiveness, to carry out a careful evaluation of the results achieved through EC Regulations No 1224/09 and 404/2011, through the cost benefit analysis. Oceana, EAA and IFSUA don't share the position to eliminate VMS system.

Option 3: Amendment of the Fisheries Control System
This option includes all the elements indicated in option 2, any related amendments of specific provisions in relevant legislation, the alignment of EFCA's mission and tasks to the changed needs of the new CFP and of the revised Control Regulation and adaptation of EFCA procedures and working practices to take into account the Common Approach on decentralised agencies as adopted in the 2012 Joint Statement of the European Parliament the Council of the EU and the European Commission.

Oceana agrees with policy option 3, under the condition that a public consultation is held and the revision is not executed under an accelerated timeline. If such a strategy is not in place we would prefer to proceed with option 2 and add the revision of the EFCA mandate, without a targeted revision of the IUU Regulation

POLICY OPTION 2: AMENDMENT OF THE FISHERIES CONTROL REGULATION

A. Enforcement

Problem: *Lack of consistency and effectiveness of national sanctions for infringements of the CFP rules.*

The whole enforcement system is very complex with provisions scattered between the Control Regulation and the IUU Regulation, creating confusion for its application.
The levels of sanctions are very different from one Member State to another. The current point system for serious infringements is not applied by Member States with even criteria.

Do stakeholders agree with the description of the problem? Yes, even if MEDAC firmly believes that the rules on sanctions should be established at Member State level.

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?*Amend the Control Regulation to clarify the current enforcement rules (Title VIII) and ease and improve the exchange of information among the Member States involved in case of infringements(Costal State, Flag State, Member States whom national committed infringement)*

1. Lay down unequivocal criteria to define the gravity of the infringements. The serious infringements are already well defined by EC Regulation 2005/05, therefore no new criteria are required. Oceana and IFSUA agree with this action.
2. Clarify and revise the current Control Regulation obligations to apply immediate enforcement measures (or preventive measures) in case of serious infringements.
3. Maintain the common list of points to be attributed for serious infringements (it already exists).
4. Clarify that points must apply in addition to the main sanction(s).
5. Establish common/minimum rules for the masters' point system.
6. Establish an EU system to exchange data on infringements and sanctions in cooperation with EFCA and the Member States (ECA request). It is not clear what the final purpose is. Oceana agrees with this action.
7. Digitalisation of inspection reports through use of an Electronic Inspection Report System (ECA request).

MEDAC reiterates what has been declared in option 2. A new CR becomes more effective in order to regain coherence and effectiveness in the fishing control system.

Oceana does not agree that the lack of an effective sanctioning system is due to a complex system. The problem is that Member States are not implementing the provisions. Oceana urges the EU to make sharing inspection reports with other Member States mandatory through an Electronic Inspection Report System.

B. Data: availability, quality and sharing

1. Reporting and tracking for vessels < 12 m

Problem: *Impossibility to monitor and control fishing activities and catches of vessels below 12meters efficiently.*

Do stakeholders agree with the description of the problem?

The majority of MEDAC considers that there is the obligation of a paper register between 10 and 12 m LOA; the exclusion of vessels under 10 m LOA is justified by the disproportion of the control rules in relation to the actual impact of these vessels on the harvesting of resources. In any case, these vessels, in the MAPs for the protection of resources, are also obliged to checks and registrations (Fossa di Pomo, Swordfish, ...), moreover, they are often not structured to support electronic equipment.

For example, in GSA1 (Andalusia) all the vessels declare their catches through the auction at the fish market, which is mandatory for professional fishing. In addition, almost all the vessels below 12 m currently use green box (catch tracking system).

Oceana and EAA agree to remove the derogation for small scale vessels and to find a small and cheap localisation system for vessels of under 12 meters. Oceana and EAA agree with actions 1 and 2 below.

WWF suggests to treat all fleet segments and vessels equally, using equally effective monitoring and control methods throughout all fleet segments according to the fisheries operations and their characteristics.

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation and extend monitoring and reporting of catches to all vessels.

1. All vessels are monitored and report electronically their catches, irrespective of their size.
2. For vessels below 12m an easy and cost effective solution is applied (*e.g.* IOT, cellular/3G, application – as already in place and/or tested in several MS).

2. Control of recreational fisheries

Problem: *Lack of control measures for recreational fisheries despite their possible significant impact on fish resources.*

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation introducing fishing licenses, vessels registers and reporting of catches for certain types of recreational fisheries.

1. All stocks and species subject to recovery plans, multiannual management plans, and to the landing obligation (i. e. TACs/quotas and species listed in Annex III of the Med Regulation) are subject to a fishing licence and electronic reporting of the catches (easy and cost-effective system as for vessels <12m).

   Most of the species listed in Annex III are commonly fished by recreational fishermen, and among recreational catches there is, at least, one of the species mentioned above. For this reason licence 'for species' is a non-sense. It would be useful a personal fishing licence for any fisherman which allows him/her to all the marine recreational fishing activities: from boat, from shore, underwater. As RF is a non-commercial activity it should be a low fee license to only cover the administrative expenses, or it should be tailored – at EU Mediterranean level – according the boat engine power (i.e the minimum applicable for shore, underwater and engines <= 40 hp, and a fixed amount for engines >40hp)

2. All vessels used for recreational fishing are registered.

   This is very difficult for almost all the RF vessel, due to the fact that the vessels have no name, are less than 4 m LOA, and have engines below 10 hp with no registration required. It is quite different by commercial vessels where the fishing license goes with the vessel. MEDAC suggests to include this kind of information in the personal fisherman fishing licence.

3. Further control measures can be applied at national/regional level.

MEDAC considers that the recreational fishing activities must also be subject to a control system similar to the professional one.

MEDAC considers that the recreational fishing activities must also be subject to catch reporting procedures that ensures that recreational fishermen are well aware of the legislation as well as the scientific rationale behind it, only about valuable species

3. Weighing, transport and sales

Problem: *Existing provisions related to post landing activities do not ensure that each quantity of each species landed are correctly accounted for by weighing and that the results are always recorded in mandatory catch registration documents. This jeopardises quota uptake monitoring (thus the sustainability of the stock), undermining the legality of the fishing activities and subsequent data analysis.*

MEDAC considers that the main problems detected at the landing level, which should be solved, are:

a) Sending the electronic fishing logbook "before entry into port", represents an important operational difficulty, because the crew is engaged in the docking operations and in maintaining the safety of such operations, therefore the transmission should be postponed (most of all when we are talking about massive species such as small pelagic)

b) The difference between the estimated on board and the weighed at the time of disembarkation, currently 10%, is strongly limiting for fishermen. In addition to the pecuniary sanction and the points, this infraction is one of those that determines the inadmissibility of the EMFF. MEDAC therefore requests that this rule be deleted.

Oceana doesn't share this point of view. Currently, there are an important fraction of landings that are not registered, showing that the current system is not effective and should be improved.

Do stakeholders agree with the description of the problem?

The problem reported does not seem to MEDAC to be linked to a regulatory deficiency, on the contrary, the more complicated the rules and obligations, the greater the likelihood of non-compliance.

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to revoke exemptions that undermine the accurate weighing and registration of each quantity of each species landed and transported.

1. Each quantity of each species landed is weighed on approved systems, recorded in weighing records. The rule must be simplified, with few but clear provisions
2. All weighing activities are conducted by authorised/permitted "registered weighers" and that the results of weighing are used to complete landing declaration and transport documents. No, MEDAC is against it. Further figures would only exacerbate costs and bureaucratic aspects

3. All quantities sold/dispensed for private consumption, to non-registered buyers, are recorded in landing declarations. No, under the 10 m LOA there should not be any provision of this kind.
4. Weighing of primary, bulk weighing of unsorted landings of small pelagic species for human consumption and industrial species can follow a two-step procedure. (Weighing of all unsorted catches immediately at landing followed by a secondary weighing to account for each quantity of each species of by-catch present. For small pelagic species this may entail weighing after transport and sorting at the receiving premises. For industrial landings this shall entail sample weighing, immediately at landing, according to a Commission approved sampling plan). No the system is too complicated and would lengthen the times of auctions and markets damaging the product.
5. Requiring that Member States conduct a documented annual review of weighing practices and shall, as necessary, introduce additional measures to ensure that each quantity of each species is accurately accounted for by weighing.
6. Clarify responsibilities and accountability of operators at all process stages.
7. Simplify the reporting procedure of documents from operators to competent authorities (flag state, state of landing, state of sale).
8. Impose registration of post-landing operators (same register used in the food law – thus also increasing synergies with food law and reducing the administrative burden).

Oceana wants to state that, in addition to problems with weighing of catches, there is also an issue with live-weight conversion factors, as the conversion factors that are used to back-calculate the live weight of the fish products vary from country and region. This needs to be addressed in the future CR.

4. Monitoring of the fishing capacity

Problem: *Current provisions on physical verification of the engine power are not effective to detect differences between the real and the certified engine power. As a result, there is the risk that vessels with manipulated engines may exceed the engine power specified in their fishing licences and that Member States may exceed their capacity ceilings as set in the CFP.*

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to mandate continuous monitoring and transmission of the maximum power developed by the engines when the vessels are active.

The majority of MEDAC does not support the possibility of demanding the continuous control and transmission of the maximum power developed by the engines when it is active. It is considered that the engine power is also directly linked to safety issues of navigation. Finally, engine power does not always have the same impact on resources and this should be taken into account.

IFSUA supports the continuous monitoring and transmission of the maximum power developed by engines. If there is a safety issue, it will easily be checked by reigning weather conditions.

WWF believes that additional actions to control engine power should be set in the CR especially for active gears. As per outcomes of the Special Report N° 058/2017 of the European Court of Auditors on fisheries control

Oceana agrees with the problem as described above, as set out in the Court of Auditors report, and agree with the 3 proposals below.

1. For vessels >120 kW using active gears, mandate a continuous monitoring system and transmission of the maximum power developed by the engines when the vessels are active.
2. The information on engine power is stored in a black box and/or sent to the competent authorities by automatic means. The information must also be directly accessible to the authorities when they are conducting an inspection at sea.
3. Procedures should be developed that include how to act in case of system failures.

5. Data management and sharing at EU level

Problem: *Major shortcomings in the exchange of fisheries data between Member States, and limited access of the Commission to disaggregated fisheries data (resulting in difficulties for the Commission to assess the accuracy of the Member States' catch reporting).*

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to complete the digitalisation of the data system, and enhance availability and exchange of data. MEDAC agrees on the description of the problem, and fishing industry of the MEDAC thinks that it does not directly involve them.

1. Complete the digitalisation of the control data system (*e.g.* electronic reporting of the vessels <12m).
2. Establish an EU-Fisheries Control Data Centre (FCDC) for an integrated European information system for fisheries management.

MEDAC considers appropriate to establish an integrated European information system for fisheries management and available to all the MS. In this way it will be possible to have a transparent information system. Oceana also agrees on action point 1.

C. Control of the landing obligation

Problem: *Conventional controls, such as inspections at sea are not effective to control and enforce compliance of the landing obligation.*

MEDAC believes that, in the Mediterranean, the landing obligation has not so far achieved the desired effects, which is why it does not seem appropriate, also in light of the cost-benefit ratio, to further implement the system in this regard.

In the current system there is no legislative basis requiring the use of remote electronic monitoring tools (e.g. CCTV), widely recognised as the most effective means to promote

compliance with and control and enforce the landing obligation at sea. Member States are unwilling to install those systems on-board of their fishing vessels in absence of any regional consensuses on the harmonised use of CCTV across all Member States.

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to require the use of remote electronic monitoring tools, including CCTV, on individual vessels and fleet segments according to risk assessment.

The majority of the MEDAC is against it. It is believed that everything concerning the work and its control on board is very delicate and must also be seen in the context of the constitutional protections of each country.

1. 100% coverage of those vessels with an inherent highest risk of non-compliance and those with the potential to discard high quantities of fish in a short period of time (factory vessels, freezer vessels, refrigerated seawater tank vessels, vessels otherwise equipped to pump fish in bulk).
2. For the remaining vessels coverage levels should be determined per fleet segment in accordance with the regional risk assessment and in cooperation with EFCA.
3. Within the fleet segments determined as the highest risk, Member States should determine which individual vessels to be equipped with CCTV on a dynamic basis, according to risk. Member States should be required to annually compare reference data such as the catch composition reported from those vessels which are equipped and those which are unequipped with CCTV, within a certain fleet segment, and incorporate the results of such analyses into the risk assessment.

Oceana agrees on the description of the problem. Regarding CCTV, thinks that in the Mediterranean this tool should be implemented as much as possible. Finally, Oceana agrees on the 3 actions proposed below, and propose to include "bottom trawlers" in paragraph 1, as they are an important source of discards in the Mediterranean.

D. Increased synergies with other policies

1. Environment

Problem: *Lack of synergies with environmental legislation resulting in an inefficient control system.* MEDAC considers that the existing ones are more than enough.

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to extend the control of fishing restricted areas to all marine protected areas (listed under RFMOs, Birds Directive, Habitat Directive).

1. Establishment of minimum requirements for the control of fishing restrictions due to environmental obligations, e.g. by extending the scope of existing Article 50.

2. Additional provisions would be defined at national or regional basis.

Oceana slightly disagrees with the description of the problem, in the sense that biggest issue is actually lack of implementation of environmental legislation in the first place. They also agree on the 2 actions proposed below. Regarding action 1, we think that it should be expanded to all types of Marine Protected Areas and possibly revised (e.g. paragraph 2 has not been implemented to our knowledge). Direct reference to MSFD could be made to align their scope adequately. Regarding action 2, several aspects could also be strengthened such as broader technical measures to reduce impacts on seabed or bycatch of species listed under environmental lists (like regional seas conventions). Finally alignment with the Mediterranean Reg (Art 4 on protected habitats) could be beneficial as we know these provisions are barely implemented/respected. In this line, detailed cartography on Sensitive Habitats and Vulnerable Marine Ecosystems should be set up by Member States based in current evidences (via peer-reviewed publications.

2. Market control (and traceability)

Problem: *Traceability of fishery products is not effective and the type and level of implementation is uneven across the Member States. In addition, the current system is exclusively designed for EU fishery products, and does not allow the use of certain data on imported fishery products from Third Countries.*

The 5 major causes of inefficient implementation of the rules are: 1) lack of clarity in the provisions and clear indication of the objectives of traceability; 2) paper based system; 3) lack of systematic, consistent and coherent collection of EU wide data , in particular from the catch event to landing/entry into the EU market; 3) different technical solutions applied by Member States for data collection and exchange, resulting in national systems which are not compatible nor interoperable; 4) current derogation for some information on imported products, available in the catch certificate, and lack of such information across the traceability chain for market related control purposes.

Do stakeholders agree with the description of the problem?

MEDAC shares the reflection on a greater control on the traceability of fish imported from Third Countries, which should be improved.

As far as traceability is concerned, a great deal of work is done at the level of primary production (until the first sale), but often information is lost along the commercial chain and does not reach the final consumer.

MEDAC points out the problem of the so-called "mixed", typical of Mediterranean multi-species fisheries: at present, applying the regulation to the letter, it is not possible to compose batches of mixed species. The mixture represents, at least in Italy, the culinary and gastronomic tradition of various coastal areas (brodetto, caciucco, frittura) and for this it should be safeguarded, allowing, under certain conditions, the possibility of selling also lots made up of different species. In addition, the mixed cassettes, typical of Mediterranean sea, would allow the fishermen to have a greater income, also exploiting less interesting species commercially, and consumers can use fresh products of high nutritional value that make up many traditional local dishes.

The possibility of considering the presence of three / four different species in the same box as a single batch could be studied during the revision of the CR. To reinforce this request, a list of species could be added, the only ones that could be included in the definition of "mixed",

ensuring the absence of species "under observation" by the EC or species that are over-exploited or shared with other countries.

The first sale in Spain is regulated and the traceability system is good, but it is lost along the chain and it should be advisable to improve its persistence until the final consumer in order to inform the consumers that the Mediterranean fresh products are subject to high standards that are demanding for the producer.

Oceana agrees with the description of the problems and on most of the major identified causes of inefficient implementation on traceability, except for 1) as we believe traceability objectives and provisions on fish product are clear enough (whether from EU Food Information to Consumers Regulation No 1169/2011, the Common Market Organisation regulation 1373/2013, or the Control Regulation), some aspects could be improved, but the main weakness is uneven implementation and too limited controls.

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to clarify the provisions and establish an EU wide based system.

1. Clarify definitions and provisions, including the objective of traceability and its use (market control purposes vs information to consumers). Add requirement of unique trip identifier.
2. Digitalise the system to control the application of the rules of the CFP at all stages of the marketing of fisheries and aquaculture products, from the first sale to the retail sale, including transport.
3. An EU – wide system is established.

Oceana agrees that there are some issues with the scope of application (derogations), such as the exclusion processed products (e.g. canned and processed fish / imports), as well as consumer information in restaurants and caterers. This has led to several cases of mislabelling in the EU (e.g. a few studies[234]). Nevertheless, most of the labelling provisions entered into force in December 2014 (CMO) and are still in the early implementation phase.

WWF recommends that the revised CR should provide more clarity on the requirements form seafood traceability. Finally, WWF recommends that the revision of the CR takes into account the existing best practices across the EU and adopt clear mandatory requirement for the use of digital seafood traceability systems.

3. Food and feed safety

Problem: *Some definitions (e.g. risk management or audit) and general principles (cooperation rules, responsibility of operators) are not aligned with the food law, thus creating confusion and posing problems to the authorities when enforcing the fishery and the food and feed control legislations.*

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation to better align it to the principles of the food law.

1. Align the terminology and principles of Control Regulation with the food law;
2. Introduce minimum cooperation rules and procedures between Member States and define the responsibilities of the food chain operators (using the same register as under food and feed law, see point B.3.4 above).

POLICY OPTION 3: AMENDMENT OF THE FISHERIES CONTROL SYSTEM

Policy option 3 builds upon policy option 2, considering all the approaches proposed in the policy option 2 plus the following (not implementable in policy option 2 as they need amendment of IUU Regulation and/or EFCA Founding regulation).

Oceana agrees with policy option 3, under the condition that a public consultation is held and the revision is not executed under an accelerated timeline. Oceana urges the EC to be very cautious and take the time to have a well thought out strategy. If such a strategy is not in place we would proceed with option 2 and add the revision of the EFCA mandate, without a targeted revision of the IUU Regulation, and not support option 3.

Enforcement rules

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation and the IUU Regulation to clarify, simplify and streamline the current rules. Move enforcements rules from the IUU Regulation to the Control Regulation to ensure one single enforcement system.

MEDAC believes that clarity and simplification are undoubtedly essential for a better application of the rules. So any revision of the CR should be carried out with this approach.

1. Establish a common list of definitions of serious infringements of the CFP by ensuring EU international obligations in this respect.
2. Introduce the obligation to treat infringements of CFP under administrative law (not excluding criminal law).
3. Introduce common rules on administrative sanctions for infringements of the CFP rules either:
    a. by setting at EU level types and ranges of sanctions (*e.g.* in monetary terms or as % of economic revenue/benefit from infringement, % of value of the illegal catches);
    b. or by obliging MSs to set national sanctions, including their ranges, in accordance to clear benchmarks or minimum levels set in EU rules.
4. Define concepts such as "economic benefit from the infringement" or "value of the prejudice to the fishing resources and the marine environment" (not necessary if point 3.a is chosen).

Increased synergies with other policies

Market control (and traceability)

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the Control Regulation so to apply it to products from Third Countries

1. Remove derogation for products from Third Countries*.
2. As a result need to also digitalise the IUU catch certificate (see next point).

* This can also help EU operators and administrations to comply with possible Third Countries' import requirements.

IUU

Problem: *The IUU Catch Certification Scheme is paper-based and as a result it would not be compatible with a fully digitalised traceability system extended to imported products.*

Do stakeholders agree with the description of the problem?

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the IUU Regulation to digitalise the IUU catch certificate.

1. Mandate the use of an EU-wide IUU IT system (already under development) for the electronic submission and collection of catch certificates and processing statements.

EFCA Founding Regulation

Problem: *Lack of alignment of the Founding Regulation with the Common approach on decentralised agencies, alignment with the CFP (LO, role of EFCA as regards the external dimension), alignment with the prosed amendments in the Control Regulation, need to follow-up on recommendations of the Administrative Board.*

Do stakeholders agree with the description of the problem?

MEDAC considers that an increased mandate and resources of EFCA not only in relation to control the EU waters, but also to contribute to control in non-EU waters in order to ensure adequate operational coordination of the national means of control and inspection are necessary. Moreover, it is advisable to organize more training of EU MS and Third Countries inspectors, promoting the harmonization of inspection procedures.

Do stakeholders believe that the following possible specific actions could address the above mentioned problem? Do they believe that additional actions should be envisaged and/or that certain actions would not be adequate to achieve the objectives?

Amend the EFCA Founding Regulation to:

1. Align it to the Common approach on decentralised agencies.
2. Clarify EFCA's mission and tasks as regards the external policy, and align them fully with the CFP. This would include: a) empowering EFCA to carry out inspections beyond international waters, upon mandate/request by the Commission, limited to activities in the context of RFMOs, SPFAs and fight against IUU; b) allowing EFCA to coordinate among MS certain control schemes in RFMOs; and possibly c) clarify the future EFCA's coordination role when it comes to regional control measures in the framework of the landing obligation (see also point on landing obligation).
3. Clarify the tasks of the Advisory Body and review the tasks of the Administrative Board.
4. Revise current rules for the adoption and participation to the Joint Deployment Plans, and provide for more flexible working arrangements to ease the participation of Third Countries under the coordination of EFCA.
5. Follow-up on ECA recommendation by requiring EFCA to set up an EU-wide system to exchange data on infringements and sanctions –and this beyond JDPs. Data accessibility will have to be designed carefully taking into consideration data confidentiality rules at EU/national level.
6. Possible role of EFCA in the EU-Fisheries Control Data Centre (FCDC) (see also policy option 2 point B.5 on data management and sharing at EU level).