

SAME RULES FOR ALL FISHERMEN IN EUROPE



1. Same rules for all fishermen in Europe.

Up to now, violation of regulations within the fisheries sector was punished differently by the individual EU member states. Something that was seen as a minor offence in one country could bring with it tough penalties in another. With the new fisheries control regulation which has been in force since 1 January 2010 the EU created an instrument for protecting fish resources better, fighting unfair competition, and thereby securing the future existence of honest fishermen.

Europe's fishery ministers and managers have recognized this fact and with the Fisheries Control Regulation (No. 1224/2009) they created a powerful instrument with which marine resources can be more effectively protected and unfair competition more specifically combated. And both of these are important prerequisites for securing the future livelihoods of honest fishermen.

The scale that illegal, unreported and unregulated (IUU) fishing has reached is underlined by estimates according to which every year about 10 billion EUR worth of such fish are sold worldwide. That would make the IUU fishery the second largest supplier of fishery products. Although EU fishermen themselves contribute only a small share to these IUU catches the European Union was for a long time an attractive market for the illegally caught fish. The origin of these fishes was easily disguised by processing them in a third country, for example, prior to their export to the EU. Hardly any of these products could be traced back to its origins. It was only in rare cases that it was possible to identify reliably which vessel had caught the fish. For this reason the EU Commission proposed in 2007/2008 to completely reform the fisheries control system and introduce harsh rules that would contribute towards draining the swamp of IUU fishing worldwide. If this goal is achieved, the chances increase that all fishermen will again be able to carry out their work under the same basic conditions.

2. EFCA gains greater power

The highest control body of the EU is the European Fisheries Control Agency (EFCA) which was founded in 2005 and is based in Vigo in Spain. Its responsibilities and competencies are laid down in Council Regulation 768/2005. In essence they can be outlined as follows:

- Co-operation with all member states for the implementation of the Common Fisheries Policy.
- Support of the community and member states in fisheries relations to third countries and regional fisheries management organizations (RFMO).
- Implementation of a sustainable fishery in accordance with established fisheries protection and management measures.

In order to achieve these objectives the EFCA follows two strategies. On the one hand it tries to pool and co-ordinate national control resources. Here, for example, joint deployment plans are drawn up for key areas, for example for cod in the North Sea and

the Baltic or for blue fin tuna in the Mediterranean. On the other hand the necessary personnel capacities have to be built up in the member states to enable similar implementation of the Common Fisheries Policy everywhere. To this end common training programs for national fisheries inspectors are carried out, for example.

All member states, the EU Commission and the EFCA can propose suitable persons as Union Inspectors. According to EU law the nominated inspectors are authorised to monitor fisheries within EU and international waters and to carry out the necessary controls. They should not, however, monitor the activities of individual fishermen since this is still the responsibility of the national authorities. The task of the EU Inspectors is to check the control systems drawn up by the member states and to make sure that the CFP regulations are implemented effectively, correctly and fairly throughout the EU.

If the EU Commission comes to the conclusion that a national fisheries authority is not implementing the CFP regulations as agreed it will first try to solve the problem with intensive consulting. If necessary it can also freeze money provided by the European Fisheries Fund or prohibit a certain fishery until the inadequacies have been cleared up. If this does not prove successful or the necessary measures are not implemented quickly and forcefully enough the responsible member state can also be taken before the European Court of Justice.

3. Development of a "control culture" in Europe

With the new regulation the system of sanctions was also harmonised. Violations of fishery regulations should be punished appropriately and forcefully to produce a maximum deterrent. In the past the penalties for breaches of rules varied considerably among the individual EU member states. Now, however, the same violations are to be punished with the same sanctions, irrespective of where and by whom they are committed, the nationality of the offender, or the flag under which the ship is registered. In this way a Europe-wide uniform "control culture" is to be developed.

Controls at sea serve on the one hand to check adherence to valid regulations, for example whether the mesh size of the fishing gear and the size of the caught fish are within the accepted limits or that no unauthorized fishing gear is used. On the other hand during the inspections data can be collected that are necessary for the administration of the fishery and its resources. Regulations and controls are agreed at EU level but it is the responsibility of the member states to implement them via their national authorities.

4. Implementation of the control regulation

It is certainly helpful that when drawing up the new control regulation the Eurocrats at least partly resisted the temptation to try and regulate and stipulate everything right down to the last tiny detail. Protests from several member states prevented some unnecessary or even useless over-regimentation, for example with regard to rod fishing. Originally the EU Commission wanted to have these catches included in the national fishing quotas. From a biological viewpoint that might make sense but it would have meant a disproportionate amount of administration and control and – measured against that – have achieved too little. Inland fisheries and freshwater aquaculture were also wisely left out of the regulation's range of validity.

On fishing vessels above 10 m length electronic systems were already required that enabled satellite monitoring, for example the automatic identification system AIS, the

electronic reporting system ERS and the vessel deployment system VDS. That is why only boats measuring 12 to 24 metres had to be refitted with electronic fishing monitoring techniques and their number amounted to 13,831 of the 64,158 fishing vessels in the EU. Larger ships already have the equipment on board anyway. The additional technology is to prevent fishermen from giving false information when reporting catch volume or fish species. All important data, for example when, how much and which fish were caught, where they were landed and where they were sold is now immediately passed on to the central control authorities by radio.

Although the new control regulation brings a lot of improvements and progress compared to the old regulations hardly anyone is completely satisfied. Some complain that the regulations are hard to read, confusing and difficult to understand, others that the new EU fisheries control law was guided by low standards that were equally implementable in all member states.



