

Ref : EFARO/313

IJmuiden, March, 2016

To

European Commission  
Directorate-General for Maritime Affairs  
and Fisheries,  
Unit A1: Fisheries Control Policy  
B-1049 Brussels - Belgium  
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**Subject : EFARO's view related to the Consultation Evaluation of the Fisheries Control Regulation**

Dear Sir/Madam,

I am writing this letter to you on behalf of EFARO ([www.efaro.eu](http://www.efaro.eu): the Association of Directors of the main European Research Institutes involved in Fisheries, Aquaculture and its interaction with the Marine Environment), in relation to the "Evaluation of the Fisheries Control Regulation Public consultation". The Control Regulation is – obviously - a matter of interest to us given the EFARO remit and role. Given the importance with which we perceive this subject we have taken the liberty to respond by means of this letter with focussed input. We prefer not to respond to the extensive internet questionnaire.

The input of EFARO concerns the following suggestions:

1. More rules, regulations and control will not improve compliance and governance: We suggest to put more emphasis on system-changes that provide incentives to fishermen to take on more responsibilities in fisheries management and be more accountable to the general public on activities deployed in our seas and oceans. This approach is perceived to lower the regulatory burden for the government and increase compliance.

Illegal and unacceptable activities are not just the result of failed control and ineffective rules. Instead, they are the symptoms of a system that is not accepted and therefore not adhered to. In that context it is much more interesting to look at this problem in terms of "responsibilities", "accountability" and "inclusion", then to limit the focus on rules and control.

A good example is the shift in responsibilities (reversing the burden of proof) as a result of certification schemes: Fishermen have to prove that they operate in accordance with the principles of the label. It is rewarding for the fishery to buy into such schemes and take on responsibilities they previously did not have, because it provides an economic benefit to them or it becomes a default passageway to retain access to markets. Another example is the idea of "results based management" as an alternative to ever-increasing management measures that act as an impediment to innovation and responsibility.

We propose a dialogue to explore the possibilities to have the fisheries sector take on more responsibilities for (1) sustainable practises in their own businesses, (2) taking on responsibilities in the governance of resources, (3) and participation in data collection and generation of knowledge. Such a dialogue could start with a meeting between the Commission, member states and fishing industry leaders to explore further steps in this direction. An important correlate of this development would be to lower the regulatory burden on behalf of the regulators. Making it attractive to take on responsibilities in fisheries management and be more accountable to the general public on activities deployed in our seas and oceans is crucial to develop fisheries as a viable and sustainable activity.

## 2. Harmonisation of Rules, Regulations, Control and Knowledge.

The degree to which harmonisation of policy measures is possible frequently suffers from different legal scales of the implementation process. As an example, both the (reformed) CFP, the MFSD and the MSP Directive put emphasis on processes of regionalisation, more specific regional coordination and regional cooperation, to achieve goals by simplifying the management process. However, regionalisation as perceived under the CFP and as perceived under the MSFD are two different strands of regionalisation as both policies are implemented in a completely different way: European law under CFP takes immediate effect to be incorporated in national law, whereas the MFSD as a framework directive is implemented via national legislation. As a result, the control systems and structures, management measures and even indicators to measure the implementation progress and success differ between member states.

The development of appropriate regional governance and control structures, a (methodological) framework for regional ecosystem management (under CFP, MFSD and perhaps Marine Spatial Planning) and structuring science and policy at the regional level to support this is a challenge. The issue is how can either the institutional structures be developed within the legal framework for implementing policies (by delegation and via inclusion of stakeholders) or the legal structures be changed which will result in a buy-in of stakeholders and result in an effective and efficient regional management system avoiding micro-management and the creation of parallel structures.

## 3. Science and control.

Of course science can attribute greatly to control practices. For example novel technologies such as CCTV and drones could already today be deployed to obtain relevant information for monitoring and control purposes. But of course in future more smart on board real time technology could be developed that would allow for example for a 100% coverage of commercial fish catches on board vessels. This technology is of course not only to be developed for monitoring and control practices but would indeed assist fishermen in the management of their catches.

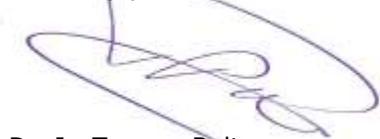
In addition cost effective methods for smart sampling of catches and for monitoring the landing obligation for example can be developed. Not necessarily depending on the development of new technologies but also on the redesign of sampling techniques and analyses.

In our opinion, also noting the remarks made above, it is of crucial importance that the development of science and knowledge for control is coordinated at the international level. There is a distinct need for the Member States' control agencies to more actively cooperate in this. Especially when faced with challenges such as the landing obligation and the reversal in burden of proof.

Finally, although indeed a more close cooperation between science and control is perceived beneficial it should at all times be crystal clear that scientific activities and control activities are separated. And by no means can scientific activities such as catch monitoring be used for control purposes.

I hope this input will be of use to the consultation procedure and will help sharpen the discussions on how to proceed. EFARO is very much willing to further discuss this matter with you.

Sincerely yours and best wishes,



Dr. Ir. Tammo Bult  
EFARO President

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