

# EU Fisheries Control System factsheet

## Transparency as a key tool to monitor the implementation of EU fisheries control rules

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### The importance of transparency

Transparency is essential to assess if the Control Regulation<sup>1</sup> is effectively implemented across the EU. Having access to up-to-date, public and reliable data on this topic will help civil society organisations and decision-makers to inform themselves about possible challenges in the implementation of the rules and to propose meaningful solutions and ways forward. It will also ensure that stakeholders have trust in the system by making information on enforcement accessible, thus contributing to the much-needed establishment of a culture of compliance across the EU.

In its 2016 report on How to make fisheries controls in Europe uniform, the European Parliament has underlined that *“information on whether and how Member States are sanctioning different types of infringements, and whether sanctions are applied consistently, regardless of a vessel’s flag, must be made available to stakeholders and the public, while fully respecting the privacy of those involved”*.<sup>2</sup>

### What is the problem with transparency and the Control Regulation?

Access to data on the implementation of the Control Regulation is difficult. According its Article 118, Member States have to submit a report to the Commission every five years. In this report, they provide details on the steps they have taken to implement the regulation (including aggregated data on sanctions and penalty points), but this document is not published on their website nor on the website of the Commission.

In addition, every five years, the Commission, using as a basis the information contained in the reports submitted by the Member States, submits a report to the European Parliament and to the Council. Since the entry into force of the Control Regulation in 2010, there has been only one report published, which contained very little detailed information and precise data on the implementation of the current rules.<sup>3</sup>

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<sup>1</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy.

<sup>2</sup> European Parliament, Report 2015/2093(INI) of 18 July 2016, How to make fisheries controls in Europe uniform, §75.

<sup>3</sup> COM (2017) 192 Final, Report from the Commission to the European Parliament and to the Council, Implementation and evaluation of Regulation 1224/2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy as required under Article 118.

In the past, data on the implementation of the Control Regulation was more transparent. For example, before 2009, the Commission reported regularly to the European Parliament and to the Council on the behaviours which seriously infringed the rules of the Common Fisheries Policy,<sup>4</sup> and these communications contained detailed information on the number of infringements detected by the Member States, the sanctions incurred as well as the problems met by the competent authorities when implementing the rules.

In addition, according to Article 100 of the current Control Regulation, the Commission may carry out audits of the control systems of the Member States. At the moment, these audits are published only on the secure part of the website of the Commission. In other areas of EU law, audits are public. This is the case, for example, in the area of compliance with feed and food law, animal health and animal welfare rules: reports from audits in both Member States and third countries are publicly available on the Commission's website.<sup>5</sup>

## Recommendations

The Commission's proposal fails to remedy the current lack of transparency on the implementation of the Control Regulation. It does not address either the fact that reporting every five-years is not sufficient for competent authorities at the EU and national levels to keep track of the implementation of the rules. Finally, in the Commission's proposal Member States will have to prepare annual reports of the national control programmes but these reports will not be made public.<sup>6</sup> To address the lack of measures on transparency we suggest to amend the Commission's proposal as follows:

- **Publish the reports from audits carried out to ensure that Member States are implementing the rules contained in the Control Regulation;**
- While respecting EU privacy laws, **Member States should be required to make public the annual reports of their national control programmes on the website of their competent authorities. These reports shall contain the following information, in an aggregated format: number and types of inspections, number of infringements detected and reported, type of follow-up actions (simple warning, administrative sanction, criminal sanction, immediate enforcement measures, number of penalty points administered).** As this information is, to a large extent, already stored in the national register of infringements created through Article 93 of the current Control Regulation, publishing it should not represent an administrative burden for Member States.

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<sup>4</sup> See for example <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52007DC0448>; or <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52008DC0670>.

<sup>5</sup> See: [http://ec.europa.eu/food/audits-analysis/audit\\_reports/index.cfm](http://ec.europa.eu/food/audits-analysis/audit_reports/index.cfm).

<sup>6</sup> Article 1 (70) of COM(2018) 368 final, Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 768/2005, (EC) No 1967/2006, (EC) No 1005/2008, and Regulation (EU) No 2016/1139 of the European Parliament and of the Council as regards fisheries control.

- **Amend article 118 of the Control Regulation to require Member States to report every two years on the implementation of the Control Regulation**, as it is already the case, for example, for the IUU Regulation.<sup>7</sup> These bi-annual reports shall be made public on the Commission's website.
  - As was the case before 2009, **require the Commission to prepare bi-annual communications to the European Parliament and to the Council on the implementation of the enforcement provisions of the Control Regulation**, based on the information submitted by the Member States.
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[Read the full NGO position paper](#)

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<sup>7</sup> Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, Article 55.