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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European of the European Union
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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT Accompanying the document Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the sustainable management of external fishing fleets, repealing Council Regulation (EC) No 1006/2008

Delegations will find attached document SWD(2015) 276 final.

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COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT

Accompanying the document

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL on the sustainable management of external fishing fleets, repealing Council
Regulation (EC) No 1006/2008**

{ COM(2015) 636 final }
{ SWD(2015) 279 final }

Executive Summary Sheet
Impact assessment on the possible revision of the Council Regulation (EC) No 1006/2008, concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters
A. Need for action
Why? What is the problem being addressed? <u>Maximum 11 lines</u>
<p>The current Fishing Authorisations Regulation does not allow for efficient and transparent monitoring of the EU external fleet. This situation represents a threat to the sustainable exploitation of fishing resources and could affect the reputation of the European Union at international level.</p> <p>More specifically, many provisions of the current Regulation lack clarity and are not consistent with other rules, in particular those related to control and to the fight against illegal, unreported and unregulated fisheries (IUU). There are also overlaps between different levels of administration leading to inconsistencies and cumbersome processes. In the case of direct authorisations granted by third countries to EU vessels, outside the scope of a Sustainable Fisheries Partnership Agreement (around 150 to 180 per year), there is no authorisation framework and criteria in place with the effect that the EU the activity of the EU external fleet remains to a large extent non-transparent. Finally the issues of abusive reflagging and chartering are not addressed.</p>
What is this initiative expected to achieve? <u>Maximum 8 lines</u>
<p>The main purpose of the proposal is to put in place a consistent regulatory framework to allow the Union to better monitor its external fleet - a few hundred vessels - wherever it operates and whatever the framework under which it does so. In this context, the objective is twofold:</p> <p>(1) to clarify and simplify the current regulatory framework by removing inconsistencies and legal uncertainties and by clarifying the distribution of tasks between the Commission and national administrations;</p> <p>(2) to introduce eligibility criteria and authorisation processes for any situation where a Union vessel is fishing outside Union waters, including for direct authorisations ("private licences") and to introduce measures to prevent abusive reflagging operations.</p>
What is the value added of action at the EU level? <u>Maximum 7 lines</u>
<p>Fisheries policy is an exclusive EU competence and the subsidiarity principle does not apply regarding measures which contribute to the conservation of marine biological resources. In addition, a Regulation would ensure uniform application of the rules throughout the European Union. Added value would also result from the introduction of clear rules applicable to all vessels registered in one of the EU Member States, thus creating a level playing field for the entire EU fleet, active outside EU waters.</p>
B. Solutions
What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why? <u>Maximum 14 lines</u>
<p>A total of four options have been considered in the Impact Assessment:</p> <p>Option 1: A limited amendment to the current Regulation so as to ensure alignment with the Lisbon Treaty provisions.</p> <p>Option 2: In addition to option 1, guidelines could be elaborated by the Commission so as to provide interpretation to the current FAR provisions which are not clear or precise enough.</p> <p>Option 3: A limited amendment of the current Regulation to address shortcomings, uncertainties and gaps of the current legislation, therefore achieving the objective of providing unambiguous provisions to Member States and private operators.</p> <p>Option 4: A new Regulation with an enlarged scope would be adopted. It would include eligibility criteria to be associated with the submission of direct authorisations and regulate chartering. It would also include provisions so as to prevent abusive cases of reflagging.</p> <p>The option 4 would combine legal certainty with enlarged scope thus leading to a complete framework regulating the activity of the EU external fleet worldwide. For that reason, it is been considered as the most effective one, able to achieve policy objectives, contributing to the international credibility of the Union and providing long-term benefits for the EU fleet.</p>
Who supports which option? <u>Maximum 7 lines</u>

Options 1 and 2 are not supported by any significant group of stakeholders, with the exception of some fisheries associations active in the non-tuna segment which are considering the current framework as satisfactory. Option 3 would only meet partly stakeholders' expectations which are in favour, in their majority, of a fully-fledged revision of the fishing authorisation Regulation. Option 4 can therefore be considered as the one getting the largest support, including from the Member States having a large external fleet such as Spain, France, Portugal, Poland and the Netherlands, most ship-owner associations and several NGOs active in the conservation of natural resources.

C. Impacts of the preferred option

What are the benefits of the preferred option (if any, otherwise main ones)? Maximum 12 lines

In the preferred option (option 4), economic impact is assessed as positive considering the benefits of increased legal certainty for both the economic operators and public administrations.

Rules would become clearer and more comprehensive and the whole process should be simplified as the role of each administration would be clearly defined, thus eliminating overlaps and streamlining the process of authorisation of fishing activities. Environmental benefits linked to the protection of living marine would be optimal as stricter monitoring of the EU fleet outside EU waters will contribute to improve fisheries governance and to ensure enhanced sustainability of fishing resources. It would supplement positive economic impact for the operators referred to above.

A more precise quantification of the benefits expected is however not possible because of insufficient data currently existing on the EU external fleet and on the cost of managing fishing fleet in national administrations. Finally, the social impact of this option can be considered as neutral.

What are the costs of the preferred option (if any, otherwise main ones)? Maximum 12 lines

In the preferred option (option 4), the treatment of fishing authorisations for all types of fishing activities outside EU waters (implying an additional number of fishing authorisations) together with the application of more comprehensive criteria might imply additional workload in national and European administrations. However experience with the Member States where this system already exists indicates that it can be done with constant levels of human and financial resources, thus with no additional costs. In addition, the possibility to use improved and standardised IT tools should facilitate the accomplishment of these additional tasks and simplify the process.

As for economic operators they would have to provide more comprehensive information when requesting a fishing authorisation, but on the basis of information that they already have in their possession and through clarified and standardised procedures, thus mitigating any possible additional burden. Finally this option entails no negative impact in social or environment terms and also has no impact in terms of competitiveness of EU operators or international trade.

How will businesses, SMEs and micro-enterprises be affected? Maximum 8 lines

Most of the fleet concerned is made of industrial fishing vessels fishing outside EU waters. Ship-owners of these vessels usually own a fleet made up of several entities and normally would not fall under the SME definition criteria. Considering also the absence of cost for private operators, no specific measures for this category of economic entities is foreseen.

Will there be significant impacts on national budgets and administrations? Maximum 4 lines

There would be no significant impact on national budgets and administrations, only a minor impact for the administration in charge of fisheries, mostly of organisational nature. However, a limited IT management cost for the Commission can be foreseen.

Will there be other significant impacts? Max 6 lines

The only other significant impact would be on third countries granting fishing licences to EU vessels. This impact shall be positive as an improved framework for the management of the EU external fleet may result in additional benefits for them (better management of fisheries resources, increased transparency, and fight against corruption). By improving control on Union vessels, the proposed Regulation will also contribute to creating a benchmark at international level regarding management and control of external fleets, and therefore participate to better global fisheries governance.

D. Follow up

When will the policy be reviewed? Maximum 4 lines

The Commission envisages setting up a group of experts from national administrations to monitor the implementation of the Regulation. Furthermore an evaluation shall take place 5 years following its entry into force.