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## COVER NOTE

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| From:            | Secretary-General of the European Commission,<br>signed by Mr Jordi AYET PUIGARNAU, Director   |
| date of receipt: | 11 March 2016  |
| To:              | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of<br>the European Union   |
| No. Cion doc.:   | SWD(2016) 56 final   |
| Subject:         | COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY<br>OF THE IMPACT ASSESSMENT Accompanying the document Proposal<br>for a Regulation of the European Parliament and of the Council on the<br>conservation of fishery resources and the protection of marine ecosystems<br>through technical measures, amending Council Regulations (EC) No<br>1967/2006, (EC) No 1098/2007, (EC) No 1224/2009 and Regulations (EU)<br>No 1343/2011 and (EU) No 1380/2013 of the European Parliament and of<br>the Council, and repealing Council Regulations (EC) No 894/97, (EC) No<br>850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and<br>(EC) No 2187/2005 |

Delegations will find attached document SWD(2016) 56 final.

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Encl.: SWD(2016) 56 final



EUROPEAN  
COMMISSION

Brussels, 11.3.2016  
SWD(2016) 56 final

**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 conservation of fishery resources and the protection of marine ecosystems**  
**through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No**  
**1098/2007, (EC) No 1224/2009 and Regulations (EU) No 1343/2011 and (EU) No**  
**1380/2013 of the European Parliament and of the Council, and repealing Council**  
**Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002,**  
**(EC) No 812/2004 and (EC) No 2187/2005**

{ COM(2016) 134 final }  
{ SWD(2016) 57 final }

*This report commits only the Commission's services involved in its preparation and does not  
prejudge the final form of any decision to be taken by the Commission*

| Executive Summary Sheet   |
|---|
| Impact assessment on a proposal for a regulation of the European Parliament and of the Council for the conservation of fishery resources and for the protection of marine organisms through technical measures  |
| A. Need for action  |
| <b>Why? What is the problem being addressed?</b>  |
| <p>The current technical measures regime (31 regulations) is no longer fit for achieving the sustainability objectives of the new CFP. Specifically the current measures are:</p> <ul style="list-style-type: none"> <li>– based on negative, mostly coercive incentives in a top-down governance system creating mistrust amongst stakeholders as measures are seen as inequitable, leading to non-compliance;</li> <li>– impossible to measure their impact on the achievement of the conservation objectives of the CFP;</li> <li>– numerous and overly complex making compliance and control more difficult;</li> <li>– controlling too many aspects of fishing operations undermining the sector's confidence in the measures;</li> <li>– providing little incentive to fish selectively where there is no cost to discarding, or of catching vulnerable species or impacting adversely on the seabed; and</li> <li>– sub-optimal in respect of achieving broader environmental and ecological policy objectives</li> </ul> <p>The catching sector (around 82,000 vessels, employing 98,500 FTE) is most affected.</p>   |
| <b>What is this initiative expected to achieve?</b>   |
| <p>This initiative aims to:</p> <ol style="list-style-type: none"> <li>(1) Optimise the contribution of technical measures to achieving the key objectives of the new CFP that came into force on 1 January 2014.</li> <li>(2) Create the flexibility required to adjust technical measures by facilitating regionalised approaches (consistent with the objectives in EU law).</li> <li>(3) Simplify the current rules in line with Commission's REFIT programme. The current rules are overly complex and difficult to enforce, and simplification will lead to reductions in administrative costs and burden. It also addresses the need for simplification of technical measures outlined in an earlier Commission Communication on the implementation of the CFP.</li> </ol>   |
| <b>What is the value added of action at the EU level?</b>   |
| <p>Provisions on conservation of marine biological resources falls under the exclusive competence of the EU according to Article 3(1d) of the Treaty on the Functioning of the European Union). Therefore, the subsidiarity principle does not apply for those provisions. However, at the heart of this proposal is the concept of regionalisation whereby MS should cooperate regionally to develop and implement conservation measures.</p>  |
| B. Solutions  |
| <b>What legislative and non-legislative policy options have been considered? Is there a preferred choice or not? Why?</b>   |
| <p>The baseline scenario maintains the existing set of 31 Regulations.</p> <p>Option 1: Consolidation – A new regulation with a limited scope which would bring together and consolidate in one Regulation for common rules with regionally specific rules remaining in the existing regulations. Regionalisation would happen if and where Member States submit joint recommendations for multiannual plans.</p> <p>Option 2: Framework – A framework regulation containing general provisions and corresponding standards; common rules and technical provisions; and baseline standards by region corresponding to identified results which would function as a default measures in the context of regionalisation. The baselines and default technical measures that correspond to the objectives would be applicable unless and until regionalised measures are designed and introduced into Union law. A sub-option (2.1) is a framework regulation without defined baselines.</p> <p>Option 3: Elimination of existing rules – Repeal of the majority of the existing regulations (except for essential nature conservation measures). Any necessary technical measures in the longer term would be developed regionally under multiannual plans. This option assumes that the landing obligation is a result-driven measure in itself and will lead to clean fisheries.</p> <p>Option 2 best meets the objectives set and provides a level of security that conservation objectives will continue to be met while regionalisation develops.</p> |

**Who supports which option?**

Retaining the baseline scenario was not considered an acceptable option by any of the stakeholders

Option 1 received very little support from any of the key stakeholders.

Option 2 was supported by some of the catching sector, Member States and NGOs. They were divergent views in the content of the framework amongst stakeholders. The catching sector argued for a framework without baselines (sub-option 2.1) but Member States, NGOs and some of the Advisory Councils argued against this.

Option 3 was favoured by certain sections of the catching sector but was rejected by Member States, NGOs and other parts of the catching sector who considered it a high-risk strategy.

**C. Impacts of the preferred option****What are the benefits of the preferred option (if any, otherwise main ones)?**

The economic impacts would be positive as the framework approach would drive regionalisation, contributing to the delivery of MSY for all stocks, reductions in unwanted catches and good environmental status under the Marine Strategy Framework Directive. This would lead to increased fishing opportunities and increase revenues from landing bigger more valuable fish (estimated at 10-40%). This would steadily improve over time.

Employment levels should stabilise quickly under this option and there is potential for increased employment. Once MSY levels are achieved, fishing opportunities will increase (by at least 20% by 2020). Such a significant increase has a potential to create new jobs in the catching sector. Fishing on sustainable stocks would also increase income and wages and therefore job attractiveness. Average wages will nearly double as a result of fishing sustainably.

Environmental impacts would be positive. The framework would manage the transition to regionalisation and ensure that the environmental sustainability objectives of the CFP are not jeopardised. In the longer-term there would be positive benefits to fish stocks and better protection for sensitive species and habitats.

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

There will be some costs associated with the move to regionalisation for Member States and the Advisory Councils as key stakeholders as described below. Any other costs would be eligible for financing under the European Maritime and Fisheries Fund (EMFF).

**How will businesses, SMEs and micro-enterprises be affected?**

Administrative costs and burden would be reduced in that there would be immediate simplification of the current regulations and a greater role for the catching sector through the Advisory Councils in the development of technical measures. In addition the potential move to a results-based system in the longer-term would lead to further simplification of the technical rules albeit implies a shift in the burden of proof onto the catching sector.

**Will there be significant impacts on national budgets and administrations?**

The move to regionalisation will lead to increased costs for national administrations (estimated at €80,000-120,000) for the development of a single multiannual plan. Not all of these costs are directly associated with technical measures which form only part of such plans. These costs would be largely front-loaded during the development of these plans. In the short-term costs for control will reduce as a result of simplification although there will be some extra costs for implementation of the landing obligation. In the longer-term control costs should diminish considerably particularly if regions move towards results-based management where the need for enforcing prescriptive rules at sea diminishes. Currently costs for enforcing technical measures at sea are very high.

**Will there be other significant impacts?**

The approach simplifies the structure: One regulation will replace 6 Regulations, partially replace 3 Regulations and repeal 10 Commission Regulations. It provides a direct route to regionalisation in line with the CFP.

**D. Follow up****When will the policy be reviewed?**

An ex-post evaluation should be carried out before 2020 when the landing obligation should be fully operational, MSY achieved for all stocks and Good Environmental Status achieved for marine ecosystems. This evaluation would directly feed into the retrospective evaluation of the CFP scheduled to begin in 2022.