



## FISHERIES CONTROL

The EU fisheries control system aims to ensure compliance with the rules of the common fisheries policy. Its efficiency is widely recognised as a necessary condition for a successful policy. Fisheries control is a competence of Member States, which are responsible for controlling their fishing and related activities, while the Commission verifies how they fulfil their responsibilities.

### LEGAL BASIS

The EU fisheries control system was initiated as part of the process of establishing the common fisheries policy (CFP), with a first regulation adopted in 1982. Amended several times, it was completely overhauled with the adoption of [Regulation \(EC\) No 1224/2009](#) (the Control Regulation), which entered into force on 1 January 2010 and became the core of the control system. It was complemented by specific application rules through [Implementing Regulation \(EU\) No 404/2011](#). The revision of the Control Regulation, launched on 30 May 2018, is now in its final stages, with the new regulation expected to come into force by the end of the year.

The control system also includes [Regulation \(EU\) 2017/2403](#) on the sustainable management of external fishing fleets (the SMEFF Regulation), which provides a framework for authorising EU vessels fishing in waters beyond the national jurisdiction of the Member States, and non-EU vessels operating in EU waters. In addition, the EU has developed an instrument for action against global illegal, unreported and unregulated (IUU) fishing: [Regulation \(EC\) No 1005/2008](#) (the IUU Regulation), aimed at preventing the import of IUU-caught products into the EU. Together, the Control, IUU and SMEFF Regulations form a comprehensive control package covering Member States' responsibilities in each of their roles as flag, coastal, port and market states.

In 2005, the EU established the European Fisheries Control Agency (EFCA), based in Vigo, Spain, to improve the coordination of Member States' control activities. [Regulation \(EU\) 2019/473](#) codified the provisions for the functioning of the EFCA.

### OBJECTIVES

The overall objective of the EU fisheries control system is to ensure compliance with the rules of the CFP. According to Article 36 of the CFP [Basic Regulation \(\(EU\) No 1380/2013\)](#), fisheries control is based on:

- A global, integrated and common approach;



- Cooperation and coordination between Member States, the Commission and the EFCA;
- Cost-efficiency and proportionality;
- The use of efficient control technologies for the availability and quality of data on fisheries;
- A Union framework for control, inspection and enforcement;
- A risk-based strategy focused on systematic and automated cross-checks of all available relevant data;
- The development of a culture of compliance and co-operation among all operators and fishermen.

Although it was designed to support the CFP, whose core focus is one of the few exclusive competences of the EU, the control system was conceived as a national competence. As such, Member States are responsible for controlling their fishing and related activities in order to ensure that operators comply with national law at each stage of production. They must adopt appropriate measures for ensuring control, inspection and enforcement of activities carried out within the scope of the CFP, including the establishment of effective, proportionate and dissuasive penalties. The Commission's role is to monitor and evaluate how Member States apply the control rules.

## **ACHIEVEMENTS**

### **A. The Control Regulation**

The Control Regulation applies to all CFP-related activities carried out in EU waters or on the territory of Member States, or by EU fishing vessels and EU nationals wherever they operate. It establishes the conditions for access to waters and resources, and the control rules for all fisheries management measures, including the use of fishing opportunities, the capacity of the fishing fleet and the marketing of fisheries products. It also covers surveillance of fishing activities and inspection, and in the event of infringements, the sanctions to be applied. Some of the main control rules, as recently revised, are detailed below.

#### **1. Access to resources and tracking**

All EU fishing vessels must hold a valid fishing licence. For activities subject to specific conditions, vessels must also hold a specific fishing authorisation. All fishing vessels must be equipped with a device allowing them to be located and identified automatically through a satellite-based vessel monitoring system (VMS) or a land-based network. However, certain small-scale coastal fishing vessels under 9 m in length are temporarily exempted until 31 December 2029. EU fishing vessels over 15 m must also use an automatic identification system (AIS), a tool developed mainly for maritime safety. Member States must ensure the control of the landing obligation through remote electronic monitoring systems, including on-board cameras, for vessels over 18 m in length which pose a high risk of non-compliance.



## **2. Use of fishing opportunities**

The use of fishing opportunities is controlled on the basis of a series of requirements for registering and declaring activities and catches. Masters of all fishing vessels must keep an electronic fishing logbook, recording information such as the catches of each species (with a simplified logbook for vessels under 12 m in length). They must complete a landing declaration and, if the catches are moved from one vessel to another, a transshipment declaration, both of them electronic.

## **3. Fishing fleet capacity**

Member States must ensure that their fleets do not exceed the maximum level established for each Member State. As such, they are responsible for monitoring the capacity of their vessels, and for verifying that they correspond to the officially stated tonnage and engine power. Certain large vessels with high risk of non-compliance must be equipped with devices that monitor the engine power continuously.

## **4. Recreational fisheries**

Coastal Member States must have an electronic system in place for recording and reporting catches from recreational fisheries. The marketing or sale of their catches is prohibited.

## **5. Marketing**

Member States are responsible for controlling the marketing of fisheries and aquaculture products on their territories at all stages, from the first sales to transport and retail. They must ensure full digital traceability of fresh and frozen products based on adequate labelling over the whole production chain. Digital traceability will also apply to processed products after 2029.

## **6. Surveillance**

Member States must ensure surveillance of fishing activities in their waters, by means of direct sightings by inspection vessels or aircraft and remote detection from analysis of VMS data. They must have inspectors to carry out inspections at sea, in ports, during transport, on processing premises and during the marketing of fisheries products. The inspectors must check in particular the legality of the catches, the fishing gear and vessels' engines, and the accuracy of all required documents and declarations.

## **7. Sanctions**

Following identification of infringements, Member States must ensure that appropriate sanctions are applied. The sanctions must be effective, proportionate and dissuasive, and consist of administrative action and/or criminal proceedings. Certain activities are defined as serious infringements in all Member States. They apply a point system whereby the holder/master of a fishing vessel that has committed a serious infringement is assigned penalty points, which may lead to suspension of the fishing licence and ultimately to withdrawal.

## **B. Sustainable management of external fishing fleets**

EU vessels fishing in waters beyond Member States' jurisdiction, as well as non-EU vessels operating in EU waters, are subject to a specific authorisation procedure.



Previously defined by Regulation (EC) No 1006/2008 (the Fishing Authorisation Regulation), the system of issuing and managing fishing authorisations was revised by the SMEFF Regulation.

The SMEFF Regulation has improved the monitoring and transparency of the EU's external fishing fleet, based on the principle that any vessel fishing beyond EU waters must be authorised and monitored by its flag Member State, regardless of the area and the framework in which it operates. It extended the scope of the authorisation system to include practices such as private agreements between EU companies and non-EU countries, the chartering of EU fishing vessels and vessels returning to the EU fleet register after operating under a non-EU flag (reflagging). Member States are required to authorise fishing vessels using common eligibility criteria, complemented by specific conditions depending on the nature of the authorisation. The SMEFF Regulation made part of the electronic fishing authorisations register publicly accessible, showing who fishes for what and where.

### **C. IUU fishing**

IUU fishing is widely recognised as a significant environmental, economic and social problem. In response to this global issue, the EU established the IUU Regulation, which remains a landmark piece of fisheries legislation worldwide. The IUU Regulation entered into force in January 2010, supplemented by Commission Regulation (EC) No 1010/2009, which details its implementation. It applies to all vessels using fishery resources destined for the EU market and to all EU nationals involved in fishing activities. However, it is not intended to replace the primary responsibility of flag states to discipline their vessels, or of coastal states to monitor their waters. It only intervenes in the event of these two mechanisms not working and serious infringements going unpunished by either the flag or coastal state.

The main objective of the IUU Regulation is to prevent, deter and eliminate the import of IUU-caught products into the EU. Accordingly, its key components are market-related measures: a catch certification scheme, intended to allow only fish certified as legal onto the EU market, and a carding procedure for non-EU countries considered to be uncooperative, which may lead to trade-restrictive measures. These key components are accompanied by a series of port state measures and provisions for the regular publication of a list of IUU vessels, as well as a procedure for penalising EU operators conducting or supporting IUU activities anywhere in the world and under any flag.

### **D. The European Fisheries Control Agency**

Set up in 2005 and active since 2007, EFCA has improved enforcement and coordination by pooling EU and national means for the control, inspection and monitoring of fishing activities, using joint deployment plans as its main instrument. The Control Regulation assigned new powers to EFCA in order to enhance its effectiveness. EFCA operations are funded by three sources: the EU budget, payment for services provided to the Member States and income from publications, training and other services that it provides.

The EFCA's mission is defined in Regulation (EU) 2019/473. This includes cooperation with the European Border and Coast Guard Agency and the European Maritime Safety Agency, each within its mandate, with the aim of increasing the efficiency of



coastguard functions such as maritime safety, security, search and rescue, border control, fisheries control, general law enforcement and environmental protection. The European Maritime Safety Agency provides integrated maritime services, based on ship reporting systems and other surveillance tools, to the European Border and Coast Guard Agency and EFCA. These information services include the detection, identification and tracking of vessels, the monitoring of departure points and anomaly detection, which facilitate the identification of IUU fishing.

## ROLE OF THE EUROPEAN PARLIAMENT

Parliament has been co-legislator under the ordinary legislative procedure since the adoption of the Treaty of Lisbon, playing a central role in the development of the CFP and its fisheries control system. In particular, Parliament has played a key role in the long process of setting up the revised control system.

The Committee on Fisheries scrutinises the policy's control measures, given that effective and non-discriminatory implementation of the rules must be one of the fundamental pillars of the CFP. In this regard, acknowledging the existence of substantial differences in the application of the Control Regulation in the Member States, on 25 October 2016 Parliament adopted a [resolution](#) on how to make fisheries controls in Europe uniform. On 30 May 2018, Parliament adopted a [resolution](#) on the implementation of control measures for establishing the conformity of fisheries products with access criteria to the EU market. These resolutions contributed to the debate that led to the Commission proposal for the revision of the Control Regulation.

Parliament also reviews the EFCA's annual report and approves the discharge of its budget.

*Research for the Committee on Fisheries:*

- [Social and Economic Impact of the Penalty Point System \(2016\)](#);
- [The CFP – Infringement Procedures and Imposed Sanctions throughout the EU \(2014\)](#);
- [Illegal, Unreported and Unregulated Fishing: Sanctions in the EU \(2014\)](#).

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