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MED RAC POSITION ON CONTROL REGULATION AND ITS IMPLEMENTING RULES

On the basis of what was discussed by the working group meeting held in Rome on 30th November 2010 on Control Regulation 1224/09 concerning the fishing activity, landing, and first sale of the product, the MED RAC, during its Executive Committee meeting in Rimini on 22nd February 2011, expresses its great concern over the upcoming approval of the implementation regulation, which does not appear to resolve in any way the problems pointed out by many with regard to the applicability of various parts of Regulation 1224/09.

In this sense the MED RAC, confirming its firm belief in the necessity to fight all forms of illegal fishing and to implement a control system that is real, effective, and simple to apply in both sea fishing and the distribution and commercialisation activities on land, for the protection of the interests of producers and consumers and for guaranteeing the renewability of the sea resources, points out to the Commission what it believes are the key points of the regulation:

- 1) Lack of infrastructure on land for handling the large quantity of electronic data required of the vessels (electronic logbook);
- 2) Duplication of duties, coupling the Automatic Identification System (AIS) with the satellite control system (Blue Box), with an increase of unjustified financial burdens for the enterprises;
- 3) New duties, such as the marking of gear even within 12 miles;
- 4) Multiplication of duties and notification obligations referring to the same information given with regard to the same parties (logbook for vessels >12m every day);
- 5) A surveillance and inspection system which, by virtue of the powers that would be granted to control observers operating without any mandate from judicial authorities and not subject to police control, would damage the right to confidentiality, domicile, private and personal life, and defence of the operators. In fact, the envisaged provisions would give the control observers the total discretionary power to interfere with the property and fundamental rights of fishermen and anyone on the vessels;
- 6) Impossibility of harmonisation of the penalty system, which is the responsibility of the individual Member States, with each having different systems and sensitivities with regard to the subject;
- 7) Liability of the skipper or the vessel owner, onto whom the responsibility for violations committed by others would be transferred, in violation of fundamental principles such as the personal nature of liability;
- 8) Increase of charges and costs for the surveillance activity which, at the discretion of the Member States, could be charged to the enterprises, being added to others which already exist (blue box traffic);
- 9) Effects on the operators due to the non-fulfilment by the Member States of the requirements of Regulation 1224/09, for example with the suspension of the financial assistance under EFF 1198/2006 and 861/2006, in violation of the principle of the personal nature of the penalty and the principle of proportionality;
- 10) With regard to recreational fisheries, the possibility to prohibit this type of fisheries in relation to sampling plans (Art. 64, par. 6) is not acceptable.



The points above demonstrate the application difficulty or impossibility of various provisions contained in the control regulation, which risks achieving the opposite effect of that sought, with a spread of a general situation of illegality.

The MED RAC thus requests that the Commission and the Council, on the occasion of the upcoming discussion of the implementation Regulation, re-examine the measure for the purpose of maximum simplification and full applicability of the provisions.

