



COMMUNITY FISHERIES CONTROL AGENCY

ANNUAL REPORT OF THE CFCA FOR 2009

15

Legal basis:

Articles 14 and 23(2)(b) of Council Regulation (EC) No 768/2005¹ as amended by Regulation (EC) No. 1224/2009², Art. 40 of Financial Regulation of CFCA³
This report includes the Annual Activity Report and the assessment of joint deployment plans.

¹ OJ of the European Union L 128 of 21.05.2005, p.1

² OJ of the European Union L 343 of 22.12.2009, p.1

³ AB Decision No 09-W-01 of 9 January 2009.

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ANNEX
Annual Report of the CFCA for 2009



Foreword

Serge Beslier, Chairman of the Administrative Board

Sustainable exploitation of living marine resources goes hand in hand with a culture of compliance with the rules of the Common Fisheries Policy (CFP). Pursuant to the Green paper⁴ tabled by the Commission, Fisheries itself is now at the heart of the debate in the Union.

The political debate in fisheries will focus in the coming years on the future shape of the CFP. Meanwhile, the CFCA will concentrate its activities on the implementation of the new CFP control framework. Indeed, it is crucial for European policies that their rules are fully implemented by Member States as during the past, the level of implementation of the CFP was a critical issue. It is in this spirit that the CFCA has launched its operations and pursues its objective to ensure uniform and effective application of the rules of the CFP by Member States.

The last two years have been important for EU legislation in the area of fisheries control and enforcement. The root and branch reform of the CFP control framework has been put into effect with the adoption of the IUU⁵ and the new control regulations⁶. This new framework has not only strengthened the mandate of the CFCA but will also determine its mid-term strategy. In this regard, and in close cooperation with the Member States and the Commission, the CFCA is confident that it can demonstrate its added value in terms of uniformity and effectiveness of the application of the rules of the CFP by Member States, thus on delivering of compliance.

In maintaining its dialogue with the Regional Advisory Councils, the CFCA demonstrates its willingness to be transparent in its operations. This report serves to provide information on the 2009 operations of the CFCA to stakeholders, European institutions and the public at large. In a nutshell, the results speak for themselves and show the new dynamics of cooperation between national enforcement services. I am fully confident that this spirit of cooperation and enthusiasm will deliver progressively compliance, in the interest of a profitable fishing industry that provides safe nutritious food from a healthy marine environment.

⁴ Green Paper on the Reform of the Common Fisheries Policy COM (2009), 163 final.

⁵ Council Regulation (EC) 1005/2008 establishing a Community system to prevent, deter, and eliminate illegal, unreported and unregulated fishing. OJ L 286, 29.10.2008, p. 1.

⁶ Council Regulation (EC) No. 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Community Fishery Policy. OJ L 343, 22.12.2009, p.1.

Introductory statement

Harm Koster, Executive Director of CFCA

The CFCA has completed its first full year at its seat in Vigo, Spain. The Agency is progressing at cruising speed and its efforts aiming at better compliance are bearing their first fruits. I am, therefore, proud to write the introduction of the present report which is an illustration of all activities undertaken by the CFCA during 2009.

Since its launch, operational coordination of control, inspection and surveillance activities by Member States in relation to recovery measures for depleted stocks has been the first priority for the CFCA. Compliance with recovery measures applicable to cod in the Baltic and North Sea areas, the eastern Atlantic blue fin tuna and in the NAFO and NEAFC Regulatory Areas has been the Agency's main challenge in 2009.

Six Joint Deployment Plans (JDP's), giving effect to Specific Control and Inspection Programmes adopted by the Commission or RFMO Schemes for joint international inspection and surveillance, have been adopted and implemented by the CFCA. The level of control, inspection and surveillance activities carried out under these JDP's has increased significantly as can be read in this report.

In the framework of the JDP's, the CFCA has worked closely together with Member States and the Commission. All joint activities have been planned and implemented on the basis of joint risk analysis, prior training of national inspectors, harmonised inspections, cross boundary control, inspection and surveillance activities and, to a large extent, by teams of inspectors of mixed nationalities. The level of cooperation has been exemplary and the first signs of enhanced compliance levels have been observed notably in the Mediterranean and the Baltic Sea.

At the seminar "JDP, The Way Forward", convened by the CFCA in Vigo, the foundations for the implementation of the mid-term strategy adopted by the Administrative Board have been agreed with the Member States and the Commission. The conclusions of the Seminar, concerning common risk analysis, better management and assessment of the effectiveness of JDP's, are currently being brought forward by the respective Steering Groups established under each of the JDP's.

In 2009, the CFCA has initiated also its activities in the area of the fight against IUU activities and in the area of Capacity Building in order to be ready for the priorities set for these activities in the 2010 Work Programme. The CFCA is ready to deliver in 2010 on the priorities reserved by the Administrative Board for these activities.

The delivery of the operational priorities for 2009 has been possible notably by the support of the Resources Unit. Indeed, an effective administrative and financial support enhances the operational performance of the CFCA as a whole. In 2009, the Agency went through a considerable optimisation of all support services and a consolidation of its internal organisation. On this basis the available resources can be better managed so as to deliver on the operational priorities of the CFCA.

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Finally, I would like to thank Serge Beslier and the Administrative Board for their guidance and support during 2009 as well as the CFCA staff for their enormous efforts.

1. Introduction

The Annual Report of the Community Fisheries Control Agency (CFCA) for 2009 is not only intended as an administrative document fulfilling the CFCA requirements of the founding Regulation⁷ and Financial Regulation⁸, but also a communication to the stakeholders, EU bodies and National authorities.

Marine living resources are a common heritage. Sustainable exploitation of these resources goes hand in hand with a culture of compliance. Public authorities, including the CFCA, should report annually on their efforts to establish the conditions required by the legislation regulating the exploitation of common living resources and on the level of control and enforcement necessary for maintaining a culture of compliance.

The need to preserve our main fish stocks, the optimum level of fishing capacity, and the need to fight against IUU fishing figure in the media headlines. Since 2007, the CFCA organises operational cooperation between Member States, coordinates fisheries control and inspection activities by them, and provides assistance to Member States and the Commission; thus facilitating the implementation of the Common Fisheries Policy. Despite being relatively new to the scene, the CFCA made an important contribution to demonstrably better compliance in several areas.

Having said that, an important measure in building trust is to report on the achievements and be accountable for our activity. The distribution of this report is a milestone in communicating our activities to a broader audience.

The content of the Report has been structured in such a way that permits a general overview of the main CFCA activities in the core text with the option of exploring in further detail in the annexes.

2. Mission statement

The overall mission statement of the CFCA is the following:

"The Agency's mission is to promote the highest common standards for control, inspection and surveillance under the Common Fisheries Policy"

⁷ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy.

⁸ Decision No 09-W-01 of the Administrative Board of the Community Fisheries Control Agency of 9 January 2009 concerning the Financial Regulation of the Community Fisheries Control Agency.

The CFCA will function at the highest level of excellence and transparency with a view to developing the necessary confidence and cooperation of all parties involved and, in so doing, to ensure effectiveness and efficiency of its operations.

The European Council agreed to establish the Agency after the 2002 Common Fisheries Policy (CFP) reform as part of the drive to instil a culture of compliance within the fisheries sector across Europe. In April 2005, Council Regulation (EC) No 768/2005 was adopted, establishing the CFCA.

To comply with its mission, the CFCA has two main strategic axes:

- a) the organisation of the operational coordination of pooled national means in the fisheries identified by the Commission and accepted by the Administrative Board,
- a) the building of the necessary capacity to apply the rules of the CFP by Member States in a uniform way.

As a complementary activity, the CFCA contributes to building a culture of compliance of the CFP rules through a communication strategy, coherent with that of the European Commission in the field of the Common Fisheries Policy, in particular in Control and Enforcement.

a) Coordination of pooled national means

The CFCA coordinates, through the Joint deployment Plans, control and inspection activities in Community and international waters and ashore. The CFCA organises the deployment of national human resources, and material means of control and inspection pooled by Member States. This deployment is coordinated by the CFCA through coordination centres in different Member States or on the CFCA premises. Specific trainings sessions are organised to ensure a proper uniform application of the CFP rules.

The CFCA also plays a role in the fight against the Illegal, Unreported and Unregulated fishing (IUU), through the fulfilment of several tasks assigned by the Commission and through assistance to the national authorities to facilitate proper application of the rules.

b) Capacity building

Capacity building facilitates the uniform application of the rules of the CFP by Member States and provides guidance to them in respecting their obligations

under the CFP. Uniform inspection procedures by national inspectors also make it possible to document all cases of non-compliance in a transparent manner.

By monitoring national means, training national experts in line with Community guidelines established by the Commission, providing a communication platform for control, inspection and surveillance and facilitating the exchange of data and guaranteeing its reliability, the CFCA is ensuring that the rules of the CFP are applied in a uniform way.

Ultimately, by building capacities in Member States to apply uniformly the rules of the Common Fisheries Policy, the Agency contributes to creating a level playing field for the European fishing industry with the primary objective of ensuring compliance with the rules; thus providing a long term, biological and ecological sustainable, exploitation of resources for the common good.

3. Operational Activities

3.1 Operational Coordination

2009 has been a key year in the development and the consolidation of the CFCA operational coordination activities. Many challenges were foreseen in the annual work programme (WP):

- the management of 6 JDPs,
- the initiation of the preparatory work to apply the EU Regulation against IUU,
- the review with all the actors concerned of the functioning of the JDPs after three years of experience, and the implementation of potential improvements.

Table 1 presents in summary the data confirming the execution of all the tasks established by the work programme 2009 with regard to operational activities, demonstrating that the deliverables foreseen in the WP 2009 has been achieved.

In 2009, a first attempt to establish performance indicators of the operational activities has been carried out. In Table 2 the quantification of the performance indicators to these activities is displayed.

As required by Art. 14 of Regulation (EC) 768/2005, the CFCA has to issue an annual assessment of each JDP. The assessments in Annex I provide a

detailed analysis of the execution of JDPs. An overview of the activities deployed under the JDP's is summarised in this report.

The CFCA is a vehicle to foster cooperation, and our main objective has been to work in partnership with Member States and the Commission in reaching the strategic goals and objectives of the WP 2009. Thus, all phases of operational coordination, from the setting of operational objectives, planning of JDPs, risk management and assessment of activities was done in cooperation with the Steering group of each JDP, in which Member States and Commission are represented.

Deliverable of activities

Table 1: WP 2009 general follow-up table (Amounts in €)

| Activities Performed | JDP North Sea | | JDP Western waters | | JDP Baltic Sea | | JDP Bluefin tuna | | JDP NAFO | | JDP NEAFC | |
|-----------------------------------|--|--|---|--|---|---|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| | Budget: ⁹ | Staff: | Budget: | Staff: | Budget: | Staff: | Budget: | Staff: | Budget: | Staff: | Budget: | Staff: |
| | 104.117,60 | 4 | 20.226,01 | 3 | 127.864,63 | 4 | 121.727,02 | 11 | 219.793,24 | 4 | (with NAFO) | (with NAFO) |
| | Deliverables | | | | | | | | | | | |
| Meetings of the Steering Group | 1- 24-25 March Edinburgh | 1-24-25 March Edinburgh | 1- 26 March Copenhagen | 1- 13 January 2- 17 February 3- 19 May 4- 2 June 5- 19 June 6- 16/17 September 7- 9 December | 1- 24 February 2- 16 June 3- 2-3 September 4- 27 October | 1- 24 February 2- 16 June 3- 2-3 September 4- 27 October | 1- 24 February | 1- 24 February | 1- 24 February | 1- 24 February | 1- 24 February | 1- 24 February |
| | 2- 30 September Vigo | 2- 30 September Vigo | 2- 29 September Vigo | | | | | | | | | |
| | 3- 4-5 November Hamburg | 3- 4-5 November Hamburg | 3- 4-5 November Hamburg | | | | | | | | | |
| Adoption of JDP for 2009 and 2010 | 2009: 1 st half adopted on 11 Dec 2008; 2 nd half adopted on 25 May 2009; | 2009: 1 st half adopted on 22 Dec 2008; 2 nd half adopted on 20 May 2009; | 2009: 1 st half adopted on 11 Dec 2008; 2 nd half adopted on 23 June 2009; | 2009 and 2010: adopted on 1 April 2009 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 | 2009: adopted on 16/12/2008 |
| | 2010: 1 st half adopted on 14 Dec 2009; | 2010: 1 st half adopted on 14 Dec 2009; | 2010: 1 st half adopted on 14 /12/2010; | | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 | 2010: adopted on 17/12/2009 |
| Joint Campaigns | 10 JC according to the JDP schedule | 3 JC according to the JDP schedule | 13 JC according to the JDP schedule | 1 according to JDP schedule | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, | 12 JC according to the JDP schedule, |

⁹ Budget refers to final availability in the Chapter after transfers.

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| | JDP North Sea | JDP Western waters | JDP Baltic Sea | JDP Bluefin tuna | JDP NAFO | JDP NEAFC |
|-------------------|------------------------------------|------------------------------------|--|--|---|---|
| Training seminars | 1 training Ireland 1-2 April | 1 training Ireland 1-2 April | 1 training Copenhagen 15 June 2009 1 Training RIGA 19 & 20 May 2009 | 1 regional training Vigo 10-12 March 9 national training courses | 1 landing inspection by mixed team 1 training Bamio, Spain 9-12 December 2008 | 6JC with joint teams according to the JDP schedule, additional 14 trips of FPVs and 30 aircraft flights 1 training Bamio, Spain 17-18 March |
| Chartering of FPV | N/A | N/A | N/A | N/A | Contract signed on 29/01/2009 (framework contract 15/12/2008) | N/A |

Table 2: Performance indicators evaluation WP 2009

| Performance indicators | | | | | | |
|--|---|--|--|---|---|--|
| | JDP North Sea | JDP Western waters | JDP Baltic Sea | JDP Bluefin tuna | JDP NAFO | JDP NEAFC |
| 1- Number of days of operation of the joint campaigns at sea and ashore, compared with previous Joint Campaigns and with the JDP schedule | <p><u>In 2008:</u> 146 days of operation planned; 146 days of operation executed;</p> <p><u>In 2009:</u> 121 days of operation planned; 121 days of operation executed;</p> | <p><u>In 2009:</u> 36 days of operation planned; 36 days of operation executed;</p> | <p><u>In 2008:</u> 128 ops / days;</p> <p><u>In 2009:</u> 140 ops / days;</p> | <p><u>In 2008:</u> 463 at sea, 177 ashore, 105 air;</p> <p><u>In 2009:</u> 267 at sea, 202 ashore, 81 air;</p> | <p><u>In 2008:</u> 2881 days in the NAFO C.A., 290 foreseen in JDP (99%); no port inspections;</p> <p><u>In 2009:</u> 256 days in the NAFO C.A., 2501 foreseen in JDP (102%); 1 port inspection 5days;</p> | <p><u>In 2009</u> 131 day in the NEAFC R.A., 30 aircraft flights in the NEAFC R.A.</p> |
| 2- Type and characteristics of the control and inspection means deployed in the area, compared with previous Joint Campaigns and with the JDP schedule | <p><u>In 2008:</u> 28 FPV committed; 28 FPV deployed; 17 Airplanes committed; 15 Airplanes deployed;</p> <p><u>In 2009:</u> 28 FPV committed; 27 deployed; 14 Airplanes committed; 13 Airplanes deployed;</p> | <p><u>In 2009:</u> 10 FPV committed; 10 FPV deployed; 6 Airplanes committed; 4 Airplanes deployed;</p> | <p><u>In 2008</u> 26 Flight; 12 FPVs deployed</p> <p><u>In 2009</u> 11 FPV deployed; 32Flight;</p> | <p><u>In 2008:</u> 11 High Seas Patrol Vessels; 45 Coastal Patrol Vessels and 12 Airplanes/Helicopters;</p> <p><u>In 2009:</u> 11 High Seas Patrol Vessels; 18 Coastal Patrol Vessels and 9 Airplanes/Helicopter;</p> | <p><u>JDP 2008:</u> 5 FPVs (1 chartered EE, LV, LT, PL, PT; 1 DE, 3 ES), deployed according to the JDP schedule;</p> <p><u>JDP 2009:</u> 4 FPVs (1 chartered EE, LV, LT, PL, PT; 1 DE, 2 ES), deployed according to the JDP schedule;</p> | <p><u>In 2009</u> 10 FPVs (1 ES, 1 DE, 1 NL, 1 DK, 3 UK, 3 IRL)</p> |

Performance indicators

| | JDP North Sea | JDP Western waters | JDP Baltic Sea | JDP Bluefin tuna | JDP NAFO | JDP NEAFC |
|---|--|--|--|---|--|---|
| 3- Number of sightings, inspections and presumed infringements detected by the Joint campaigns compared with previous Joint Campaigns | <p><u>In 2008:</u> 1362 air sightings; 638 Sea sightings; 1160 inspections; 84 presumed infringements;</p> <p><u>In 2009:</u> 543 air sightings; 484 Sea sightings; 940 inspections; 102 presumed infringements;</p> | <p><u>In 2009:</u> 380 air sightings; 110 Sea sightings; 347 inspections; 10 presumed infringements;</p> | <p><u>In 2008:</u> 1350 Sightings; 404 sea inspection/37 pi.; 711 shore inspection/41 pi.;</p> <p><u>In 2009:</u> 749 Sightings; 416 sea inspection/25 pi.; 3478 shore inspection/ 67 pi.;</p> | <p><u>In 2008:</u> 1250 Sightings; 382 Inspections; 55 Presumed infringements;</p> <p><u>In 2009:</u> 1344 Sightings; 733 Inspections; 92 Presumed infringements;</p> | <p><u>In 2008:</u> 339 sightings; 71 inspections; 1 infringement;</p> <p><u>In 2009:</u> 227 sightings; 73 inspections; 5 infringements;</p> | <p><u>In 2009:</u> 506 sightings (423 sea, 83 air), 58 inspections, 3 infringements</p> |
| 4- Ratios for sightings-inspection-presumed infringements/per day of activity, compared with previous Joint Campaigns | <p><u>In 2008:</u> Sea sightings/day: 4.4 Sea inspections/day: 3.1 Pres. Infr. at sea/day: 0.6</p> <p><u>In 2009:</u> Sea sightings/day: 4 Sea inspections/day: 2.4 Pres. Infr at sea/day: 0.8</p> | <p><u>In 2009:</u> Sea sightings/day: 5.7 Sea inspections/day: 3.4 Pres. infr at sea/day: 0.22</p> | <p><u>In 2008:</u> Sea sighting/day: 9.6 Inspection/day: 16.1 Infringement/day: 1.09</p> <p><u>In 2009:</u> Sea sightings/day: 3.51 Air sighting/day: 1.83 Inspection/day: 27.8 Infringement/day :</p> | <p><u>In 2008:</u> sightings/day: 2.2 inspections/day: 0.6 pres. infr./day: 0.1</p> <p><u>In 2009:</u> sightings/day: 3.9 inspections/day: 1.6 pres. infr./day: 0.2</p> | <p><u>In 2008:</u> 1,8 s/d 0,25 i/d 0,003 ain/d;</p> <p><u>In 2009:</u> 0,89 s/d 0,29 i/d 0,02 ain/d</p> | <p><u>In 2009:</u> 3,2 s/d, 0,44 i/d, 0,02 ain/d</p> |

| Performance indicators | | | | | | |
|---|--|--|--|---|---|---|
| | JDP North Sea | JDP Western waters | JDP Baltic Sea | JDP Bluefin tuna | JDP NAFO | JDP NEAFC |
| 5- Percentage of cod catches/landings controlled during the Joint Campaigns compared with total cod landings. | <u>In 2008:</u> 2.6% of cod inspected during JDP compared to total yearly landing; <u>In 2009:</u> 2% of cod inspected during JDP compared to total yearly landing; | <u>In 2009:</u> 11.6% of cod inspected during JDP compared to total yearly landing; | 0.65 Not available | Not available | Not available | Not available |
| 6- Number and quality of risk analysis produced compared with previous years. | All the campaigns were based on risk analysis using a variety of influencing factors such as catch data. | All the campaigns were based on risk analysis using a variety of influencing factors such as catch data. | All the campaigns were based on risk analysis using a variety of influencing factors such as catch data | Campaigns based on both strategic planning and operational (short term) risk analysis | Campaigns based on both strategic planning and operational (short term) risk analysis | Campaigns based on both strategic planning and operational (short term) risk analysis |
| 7- Number of inspectors trained compared with previous joint campaigns. | <u>In 2008:</u> 30 inspectors attended a seminar in Copenhagen; <u>In 2009:</u> 29 inspectors attended a seminar in the NMCI, Ireland; | <u>In 2009:</u> 29 inspectors attended a seminar in the NMCI, Ireland; | <u>In 2008:</u> 24 inspectors attended a seminar in Sweden; <u>In 2009:</u> 28 inspectors attended the Riga seminar and 16 the pre-JDP training in Copenhagen | <u>In 2008:</u> no regional training course was organized; <u>In 2008:</u> 8 national training courses 128 inspectors trained <u>In 2009:</u> 19 trainers of trainees attended the regional | <u>In 2008:</u> January – 34 participants from 7 MS; <u>In 2008:</u> December – 53 participants from 10 MS | <u>In 2009:</u> March – 27 participants from 11 MS |

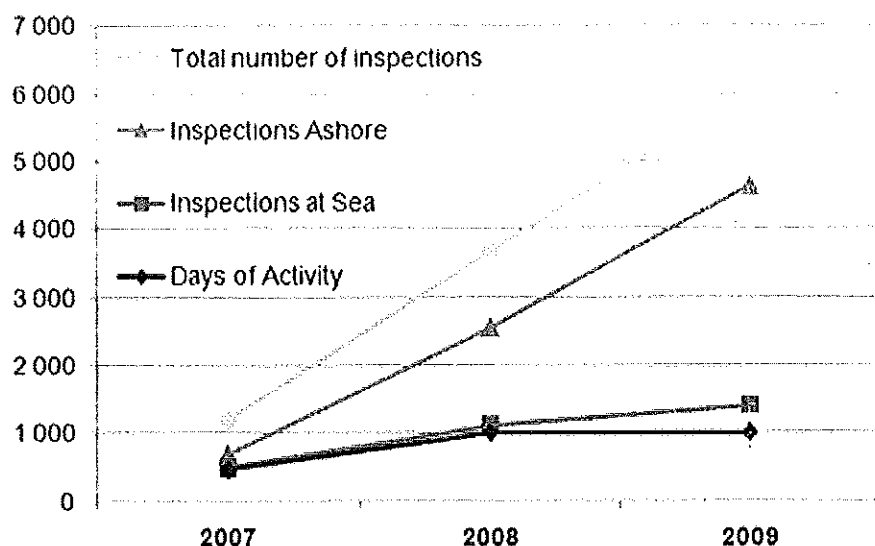
| Performance indicators | | | | | | |
|---|---------------|--------------------|----------------|---|----------|-----------|
| | JDP North Sea | JDP Western waters | JDP Baltic Sea | JDP Bluefin tuna training course; 222 inspectors were trained during national trainings | JDP NAFO | JDP NEAFC |
| 8- Satisfaction questionnaire standards completed by participants in the Joint Campaigns and the Training Seminar | Yes | Yes | Yes | Yes | Yes | Yes |

3.1.1 Key figures

As can be seen in the Table 1, the objectives and tasks included in the WP 2009 have been achieved and delivered on time, fulfilling the targets established in the work programme 2009. The coordination of joint campaigns was carried out as planned, trainings were organized for each of the JDP executed, and regular meetings of the steering and technical groups to develop the cooperation between Member States and CFCA took place.

From 2007 onwards, the number of fisheries in which the CFCA is operating has been increased (from 3 to 6) and the level of activity (inspections) has doubled every year.

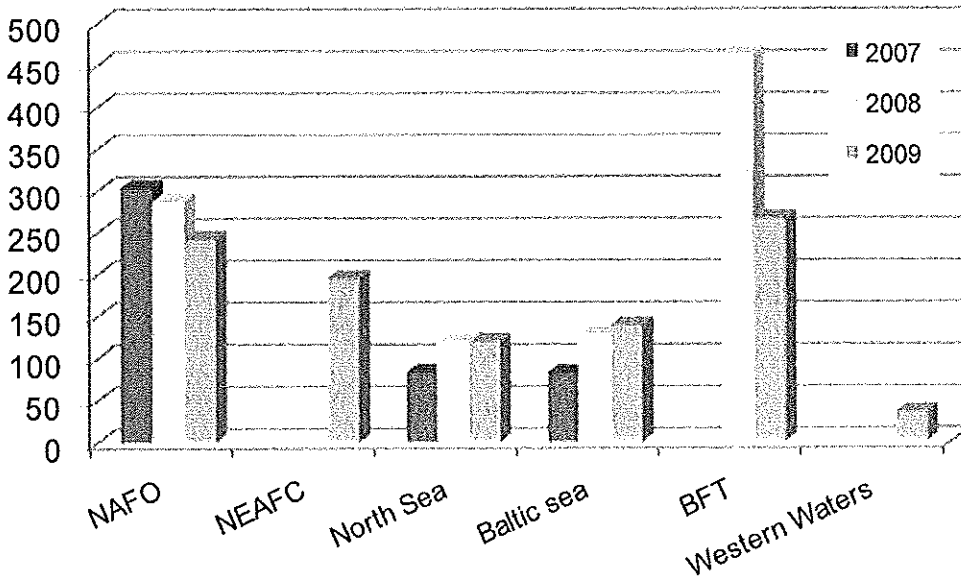
Key figures for JDPs, 2007-2009



Source: CFCA

Days of activity

Total number of days of activity per geographical area, 2007-2009



Source: CFCA

The JDPs can be divided in two clear groups: the ones operating under Community waters, and those operating under Non-Community waters.

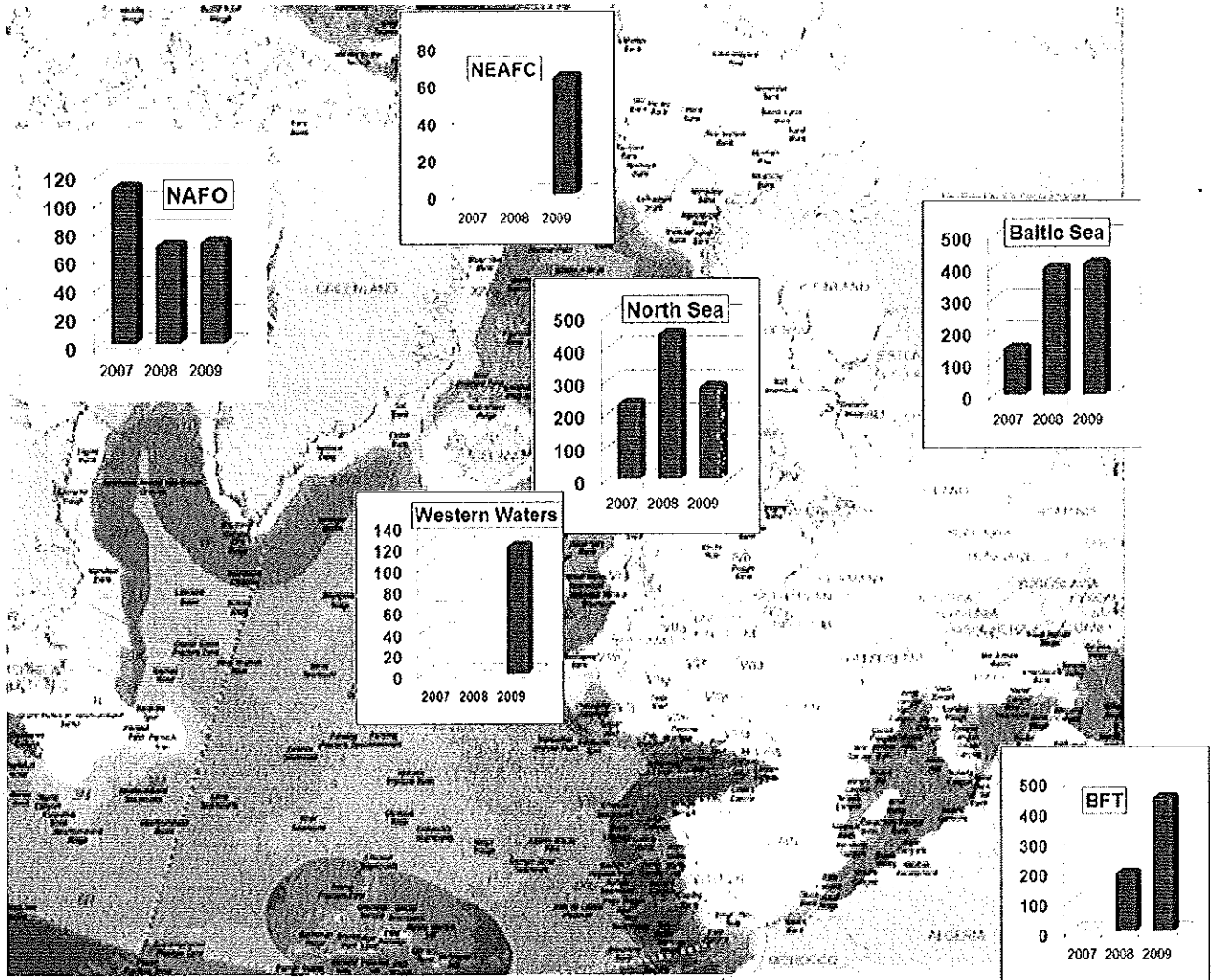
Community waters JDPs are organized through periodical joint campaigns, responding to the year-round fisheries. In these campaigns, the number of days has increased slightly compared with 2008, responding to a need to maintain the level of control established by the respective Specific Control and Monitoring programme. The increase observed in days of activity (see above table) is mostly related to start of operations for cod in Western Waters.

In the JDPs affecting waters managed by Regional Fisheries Management Organisations (RFOs) (NAFO, NEAFC and BFT), a decrease of the number of the campaign days in respect of 2008 can be noted. In these JDPs, the fisheries to which a JDP applies takes place during a specific period in the year. The decrease of operational days is linked to a reduction of the fishing activity of the Community fleet in some areas, and to a better planning based on risk analysis and the accumulated experience from the previous JDPs. In fact, an increase of the number of inspections in these areas can be seen despite a reduction of the campaign days, because a proper risk analysis was carried out.



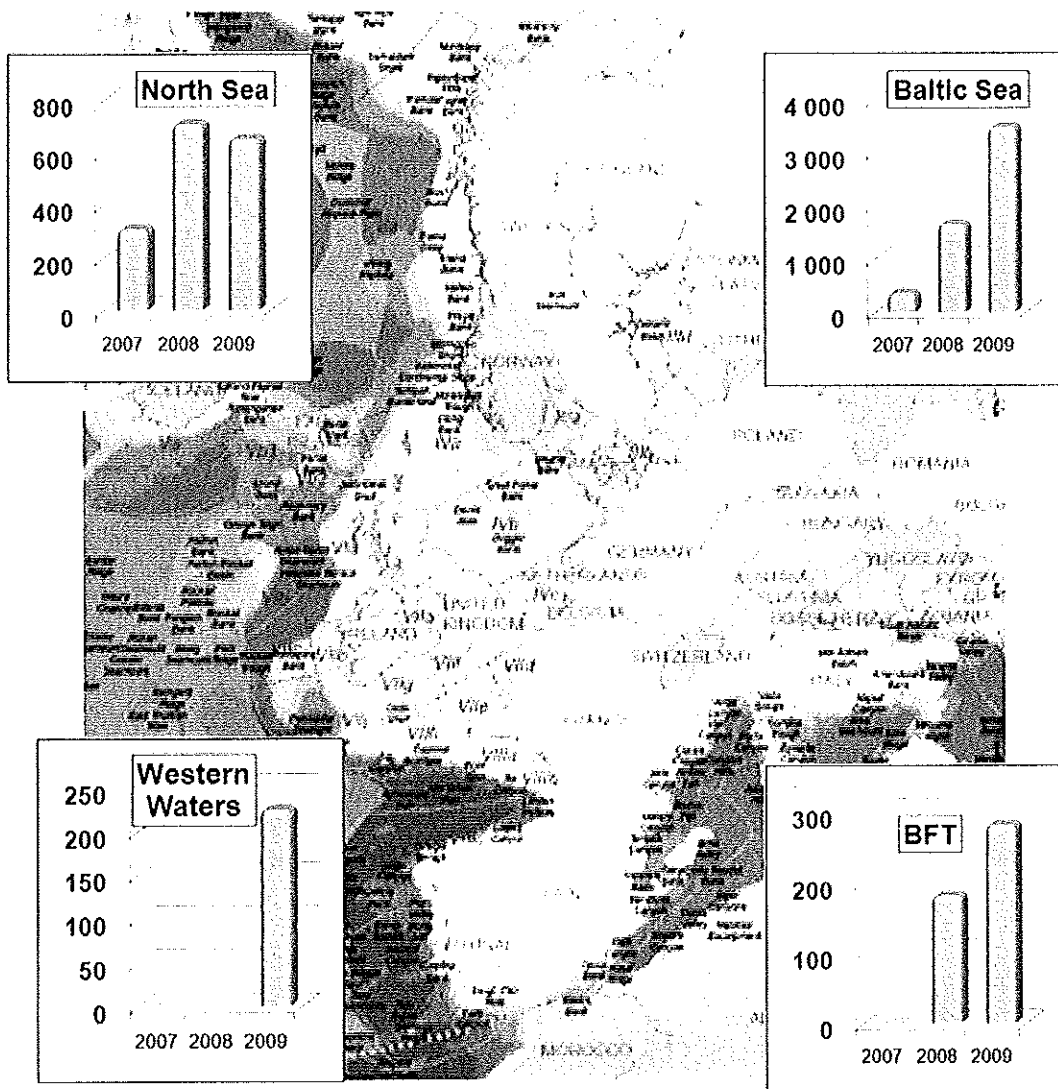
Inspections

Total number of inspections at sea, 2007-2009



Source: CFCA

Total number of inspections ashore, 2007-2009

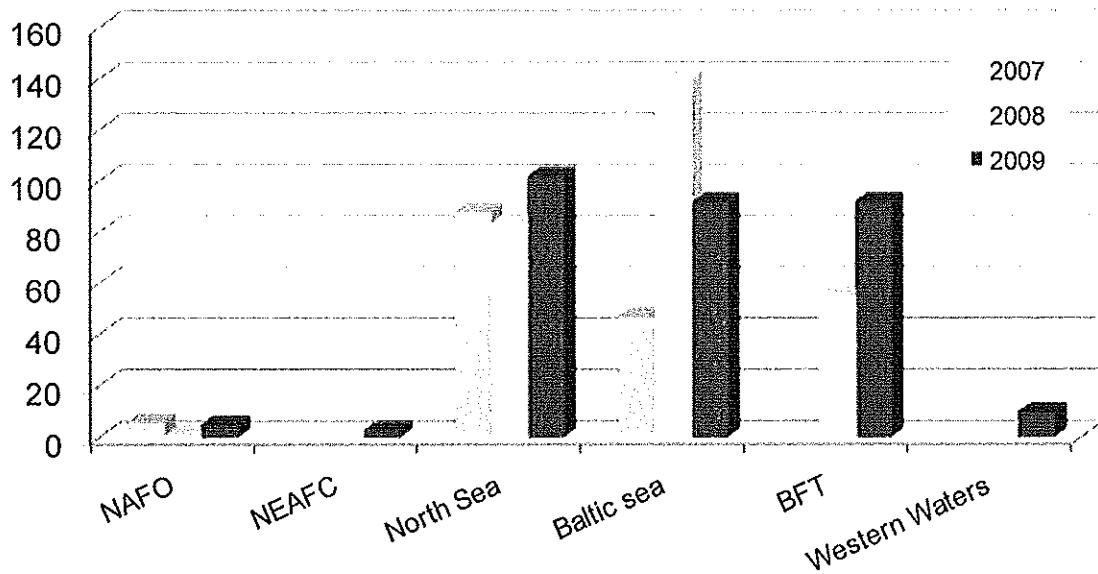


Source: CFCA

In general, a marked increase in the number of inspections deployed through the year is evident. The main increase was produced in the Baltic Sea, as a successful response to the priority fixed to reinforce the landing inspections in the cod fishery. The BFT fishery also has an important increase in the number of inspections, while other areas show certain stability.

Infringements

Total number of infringement, per geographical area, 2007-2009

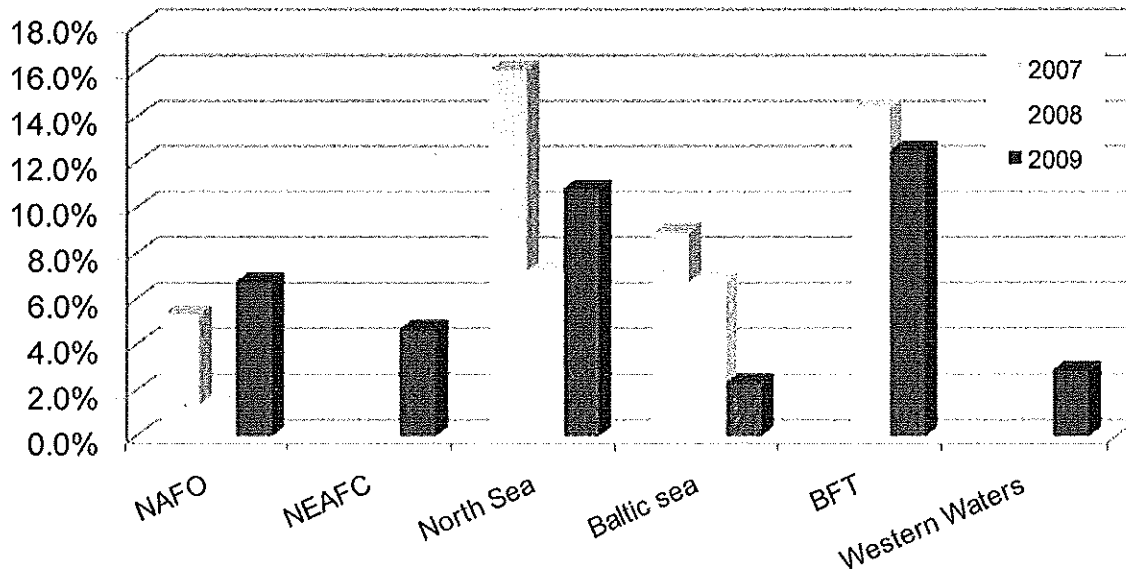


Source: CFCA

There was an overall increase of the detected infringements, which can partly be explained by the increase in the number of operations in certain areas.

The most important point in that respect is the ratio inspections/infringements that can be seen as an indicator of the compliance in the fishery.

Infringement ratio, per geographical area, 2007-2009



Source: CFCA

There was a slight decrease on the ratio of infringements versus inspections in the last year for the Baltic Sea, whilst for NAFO and BFT this ratio remained fairly constant. For the North Sea, there was an increase of this ratio when compared to 2008 (and still below the levels of 2007), which can be linked to the introduction of the new mesh gauge regulation.

A very important point related with operational coordination is the cooperation between Member States through the creation of joint teams of inspectors of different nationalities. The number of joint teams deployed during 2009 was around 150. This practice has been one of the main tools to foster cooperation, increasing transparency of activities, exchange of best practices and building confidence between the different national authorities.

The trainings linked to JDPs during the different campaigns are also considered a major factor for a level playing field. A total of 187 staff from Member States received training during 2009, and additionally, the CFCA participated in 10 National training courses organized by Member States for the BFT.

3.1.2 JDPs, improving the quality of coordination

Most of the tasks assigned to the operational team during 2009 have been fulfilled, considering the figures and data of the different JDPs and the objectives stated on the 2009 work programme. However, there is a need for a

global analysis of the quality and relevance of the activities developed, to see if they respond to the needs identified by the WP 2009.

All the specific details of the activities developed during 2009 are contained in the annual assessment reports of the effectiveness of JDPs (annex I.A.). In general, some common conclusions can be made:

- Member States have contributed satisfactorily to the success of the JDPs, permitting the campaigns to be carried out with adequate means or, if there are none available (e.g. NAFO), through the joint chartering of a Fisheries Patrol Vessel (FPV). In a minority of cases, means were unable because of force majeure.
- The preparation of inspectors participating during the campaigns is improving. Notwithstanding this, Member States should try, in some specific campaigns such as NAFO or BFT, to deploy inspectors that have attended a specific training session by the CFCA. Training remains a high priority and the CFCA will continue to further cooperate with Member States on this.
- Periodical reporting has been established in all JDPs, ensuring a good communication of the results through the Steering Group (SG) members after the different campaigns. This reporting system is not only based on figures: a quality report analyses all the different parts of the activities. This system has allowed an analysis with Member States of the possible problems and solutions in cooperation with them.
- Risk analysis is the basis of well directed inspections and ensures a good cost-benefit ratio. All campaigns have been planned based on a general risk analysis. Joint short term risk analysis has been developed during some campaigns depending on the Coordination Centre in Charge (CCIC) in charge, with the definition of objectives of inspection based on the experience of the participants. These elements have proved to be very effective in the planning of the daily activities, allowing for a more precise definition of potentially "non-compliant" targets.

3.1.3 CFCA activities to fight IUU fishing

During 2009 the CFCA supported Member States and the Commission in the preparation for the implementation of Regulation (EC) No 1005/2008. This involved:

- cooperation with the Commission in training of authorities from third countries in 2 regional seminars,
- organisation of training courses for competent authorities of Member States. The CFCA has convened 4 training sessions for Member States officials.

The work programme 2010 identifies IUU as a foremost priority, and more resources will be allocated to this area in the future. Details of the activities developed can be found in the table below.

WP 2009 IUU follow-up table

| Activities performed | IUU | |
|--|---|----------|
| | Budget: 54.394,14 | Staff: 2 |
| | Deliverables | |
| Meetings of the IUU Working Group | Postponed to 25/02/2010 | |
| Training Seminars for Thirds Countries | Participation in 2 training seminars for TC authorities: - Johannesburg 03/2009 - Bogota 03/2009 | |
| Training Seminars for MS | Organisation of 4 training seminars in Vigo for Member States authorities 28/09-02/10 and 19/10-23/10 with 47 National participants | |
| Coordination meetings with DG MARE | Participation in 8 coordination meetings with DG MARE in Brussels | |
| IUU Expert group meetings | Participation in 4 IUU Expert group meetings in Brussels | |
| New competencies definition | Definition of new tasks for the CFCA under EC 1005/2008: - Decision EU/988/2009 - WP 2010 | |

3.1.4 JDP Seminar: the way forward

A peer review on the functioning of the Joint deployment plans was needed to evaluate and establish the basis for the future of operational cooperation. A Seminar of JDPs "The Way Forward" took place in Vigo from 8 - 10 July 2009. Twenty Member States and the Commission were represented, and some independent experts and specialists participated as invited speakers.

The Seminar was organised in three sessions:

Session 1: Risk management: How to plan control activities with efficacy and efficiency

Session 2: Assessment and performance indicators: How to evaluate the control activities

Session 3: Best practices in JDP coordination: How to improve the work of the different JDPs

The outcome of the Seminar consisted of a General Statement and a set of recommendations posted on our Website. Member States and the Commission concluded, in the form of the General statement, that:

- cooperation between Member States for control has been improved by JDPs from 2007,
- an annual Seminar will be convened to discuss specific aspects of control as a follow-up from 2009
- future work has to be organised by an interlinked approach between:
 - JDP Planning, based on risk management
 - JDP management, based on flexibility
 - JDP assessment, based on accountability

The conclusions of the Seminar can be found in annex I.B. They will form the basis for the future developments in JDP management in cooperation with the Commission and the Member States.

One of the keys to success for CFCA activities is to build on efforts of all actors involved in the operational activities. Member States capacity is essential for carrying the planned activities and, together with the Commission, they are an active voice in all phases of JDP management: from planning, to execution and evaluation of the activities,

As a result, of the Seminar, one of the main aims in of 2009 was to create a common framework of cooperation between Member States, the Commission and CFCA. Several initiatives, which are now fully integrated in the JDP systems, can be highlighted:

- A common joint risk analysis exercise is prepared for all the joint campaigns; a more advanced system is in development in which Member States will provide their national data to be shared and discussed before to the planning of the joint campaigns;

- A reporting system is now established for all the JDPs, after each joint campaign. This reporting is done along different timelines, and ensures that all views are considered through an agreed consultation system with members of the Steering Groups;
- A system of common assessment is in place, which allows a preliminary discussion and approval with the steering groups of the annual reports, and to include the views of Member States in establishing the objectives for the future campaigns, following the identification of the main risks of non compliance;
- The CFCA is also tightening the links with industrial operators participating in the different meetings of the Regional Advisory Councils in which control is discussed.

3.2 Capacity building

The roadmaps for Training and exchange of experience, and for the CFCA Data Centre were defined at the end of 2008. In line with the content of these roadmaps, 2009 has been the year for launching the Capacity Building activities of the Agency.

First steps on data exchange for coordination of joint inspections activities have been achieved, and a general program for training has been presented to Commission and Member States. Other basic needs such as identification of Community Inspectors and joint procurement of inspection tools have been covered.

Table 3: Performance indicators evaluation WP 2009 (Amounts in€)

| Activity Performed | | Deliverables |
|---|----------|--|
| Fisheries Data Monitoring Center | | <ul style="list-style-type: none"> - VMS fully operational for BFT campaign - Acquisition of hardware and software for business continuity of FDMC - Study of methodology for mapping national information systems - Definition of a CAMS prototype. |
| Budget: 227.834,04 | Staff: 2 | |
| <ul style="list-style-type: none"> - Establishment of basic structure for FDMC with VMS capabilities - Mapping of Member States information systems - Development of a Control Activities Management System (CAMS) | | |
| Training and exchange of experience | | |
| Budget: 25.418,89 | Staff: 2 | |

| Activity Performed | Deliverables |
|--|---|
| <ul style="list-style-type: none"> - Development of a training programme with Commission and Member States - Development of a common core curriculum for trainers of inspectors - Specialised training seminars | <ul style="list-style-type: none"> - First meeting of the Steering Group of Training - Visits to Member States to analyse national training programmes - Participation in 9 seminars for specialised training |
| Pooled capacities | |
| Budget: 21.033,67 | Staff: 1 |
| <ul style="list-style-type: none"> - Development of an inventory of inspection means of Member States available for joint operations. - Undertaking of joint procurement inspection tools required by Member States | <ul style="list-style-type: none"> - All Community Inspectors provided with identifications documents issued by CFCA - Publication of the list of Community Inspectors in the CFCA web page - Framework Joint Contract for acquisition of electronic mesh gauges concluded |
| FishNet | |
| Budget: 13.070,00 | Staff: 1 |
| <ul style="list-style-type: none"> - Development of remote collaboration tools for operational coordination | <ul style="list-style-type: none"> - Study of needs and possible solutions for FishNet |

3.2.1 Fisheries Data Monitoring Center (FDMC)

The first phase of the FDMC was completed in 2009, establishing the basic infrastructure in equipment and communications necessary for the incorporation of the different control data systems, and the developing of a computer based system with capability to exchange and map the data of Vessel Monitoring System (VMS) received from Member States and Regional Fisheries Management Organisations.

The system, supported by a web based user interface, has been successfully used for the coordination of the 2009 Bluefin Tuna campaign. The CFCA received VMS data from 9 Member States involved in the Bluefin Tuna fishery. In addition the system was receiving VMS from 12 non EU States that are Contracting Parties of the International Commission for the Conservation of the Atlantic Tuna (ICCAT). More than 1.5 million VMS messages were received during the campaign.

During that first year of activities, the CFCA Fisheries Data Monitoring Centre also provided some support for the planning of the joint control campaigns, in particular the spatio-temporal distribution of catch data based on aggregated data submitted by Member States and the spatio-temporal distribution of fishing effort based on VMS data. Moreover, the development of a prototype of application for the management of activities carried out by Joint Deployment

Plans (Campaigns – Missions – Inspections) was started. Users requirements have been collected and analysed, with the objective to satisfy as many of the joint inspection needs as possible. This web-based application will be implemented in 2010.

The CFCA has launched in 2009 a project to facilitate the pooling of relevant data required for risk analysis in the operational coordination of Joint Deployment Plans. A preliminary task towards achieving this objective is the mapping of Member States information systems supporting fisheries control activities. For that purpose, three Member States have been visited in a case study, and the methodology for the mapping of Member States systems has been prepared to be conducted in 2010. The result of the study will permit the organising of a common reflexion on issues such as procedures for the secure sharing of data, ways to improve data quality, and the development of tools for risk analysis.

3.2.2 Training and exchange of experience

As a point of departure, to determine the content and the methodology of the training program of the CFCA, in October 2009 the first meeting of a Steering Group for Training and Exchange of Experiences was convened, with participation by representatives of the Member States. The objective of this group was to give guidance in the coordination work and training programs of the CFCA and especially, to the development of a common core curriculum for the training of the instructors of the fisheries inspectorates of Member States.

Following the Steering Group' conclusions CFCA has visited the authorities in charge of training of inspectors in six Member States in order to analyse national programmes and to examine training needs, possible synergies, cooperation and exchange of experience in the field, and prepare a draft outline of the content of the future core curriculum.

Also, specialised training seminars were conducted throughout 2009 directed towards inspectors participating in each of the different Joint Deployment Plans coordinated by the CFCA, as listed in Table 2: Performance indicators evaluation WP 2009. In average, each seminar was attended by more than 30 participants from 11 different Member States.

3.2.3 Pooled capacities

One of the forms of cooperation between Member States is the deployment of Community inspectors and inspection means, who and which may be assigned for specific control and inspection programmes, international control and inspection programmes or inspection programmes developed by Member States.

Community Inspectors and Community Inspection Means are nominated by the Member States and their assignment is formalised by adding them to the

List of Community Inspectors and Inspection Means. This list is managed by the CFCA and now contains nearly 1500 inspectors and more than 200 inspection means. As the body designated by the Commission, the CFCA publishes regular updates to the list on its website and provides Community Inspectors with specific Community identification documents.

In line with Art. 7 (b) of Council Regulation (EC) No 768/2005 establishing the CFCA and following the request of 15 Member States, the CFCA organised a joint procurement procedure, in accordance with applicable rules, for the acquisition of electronic mesh gauges and associated items by individual Member States concerned and by the CFCA.

Following a comprehensive technical evaluation, the CFCA concluded on 17 July 2009 a framework contract for the supply of electronic mesh gauges to the Member States concerned. The estimated volume of the framework contract, based on indicative order projections from individual Member States, is set at 640 mesh gauges over 4 years with a total contract value between 800.000 and 2.000.000 Euro.

In addition the CFCA has facilitated a harmonised introduction of the new electronic mesh gauge as from 1 September 2009, particularly in the framework of North Sea joint inspection campaigns coordinated by the CFCA.

3.2.4 FishNet

FishNet is projected as a network platform for the collaboration of groups of users involved in the operational coordination of Joint Deployment Plans. It will be organised in different virtual offices restricted to authorised users, with capability of exchanging information, sharing data and documents, and providing the appropriate tools for working together in the planning and implementation of the joint inspection and surveillance activities.

A study of needs and possible solutions has been launched in 2009 with the aim of developing an operational prototype in 2010.

4. Governance and support activities

4.1 Administrative and Advisory Boards

4.1.1 Administrative Board

The Administrative Board is the main governing and controlling body of the CFCA. It is composed of six members representing the Commission and one representative per Member State. From October 2008, with a term of office of

three years, the Chairman is Mr Serge Beslier and the Deputy Chairperson Ms Birgit Bolgann.

In 2009, two meetings of the Administrative Board were held in Vigo, the 9th meeting of the Administrative Board being held on 19 March and the 10th meeting on 15 October.

At its 9th meeting, a general presentation about the then proposed new Fisheries Control Regulation was given by the Commission. At that stage, it was already underlined that the proposal would have significant impact on the CFCA operational field from 2010 onwards.

During its 10th meeting, the Administrative Board approved the Budget and the Work Programme for 2010. The latter already taking into account the new Control Regulation that entered into force on the 1st January 2010. Nevertheless, with regard to financial issues for the time being no additional funds were assigned for the implementation of the new tasks.

At the same meeting, the CFCA also presented its mid-term strategy, in which the main aim is to enhance the substantially the current compliance levels with the rules of the CFP and a Business Continuity Roadmap to avoid or negate disruptions affecting the activities of the CFCA and to ensure protection of staff, buildings, property, activities and information against security threats.

4.1.2 Advisory Board

The Advisory Board is composed of one representative of each Regional Advisory Council (RAC). Two meetings of the Advisory Board were held in Vigo on 6 March and 14 September, in conjunction with the meetings of the Administrative Board. The CFCA chaired the meetings.

The 15 October 2009 an amendment to the Rules of Procedure of the Advisory Board was adopted by the Administrative Board. From the coming into force of the AB Decision No 9-II-08 there is a more frequent rotation of the representative appointed by the Advisory Board to take part in the deliberations of the Administrative Board, with a term of one year. Furthermore, the advisory Body has been given the possibility to appoint an alternate representative to ensure the representation of the Advisory Board in the Administrative Board meetings, in the absence of the appointed representative. Therefore, in 2010 the election of the new representative and alternate of the Advisory Board in the Administrative Board will take place.

4.2 Internal Control systems and audits

Since the start of its activities, and in pace with its growth, CFCA has progressively developed and implemented a series of internal measures to ensure that its activities are sufficiently monitored, controlled and evaluated to provide reasonable assurance to management of the achievement of the Agency's objectives. These measures are in line with the set of "Internal Control Standards for Effective Management and Requirements" (ICS) that was adopted by the CFCA Administrative Board in its 7th meeting on 13 March 2008.

The existing internal control measures help to ensure that CFCA's operational activities are effective and efficient whilst also certifying that all legal and regulatory requirements are met, that financial and management reporting is reliable and that assets and information are safeguarded. Examples of measures already in place are: implementation of organisational structures; development of several staff policies and operational procedures; provision of training in various areas; setting of clear objectives and their monitoring through well developed management reporting and monitoring tools including performance indicators. Taken together, these measures constitute the internal control system of the Agency.

Following an Internal Audit performed by the Internal Audit Service of the Commission and the Internal Audit Capability of the CFCA, a number of recommendations were made to further enhance the Internal Control System of the Agency. All recommendations have been accepted and appropriate action plans for the implementation of these improvements have been developed. Management is monitoring, on a regular basis, the progress in the implementation of this action plan.

One of the ICS concerns is the yearly assessment of recorded exceptions. These exceptions concern cases which deviate from established policies and practices or where internal controls are overridden. In 2009, the Agency did not record any exception of material value.

4.3 Representation and networks

4.3.1 Regional Advisory Councils

The Regional Advisory Councils represent the stakeholders in the relevant geographical area or fishery. There are seven Regional Advisory Councils which cover different fishing grounds, both in EU and international waters or those under fisheries agreements, these being: North Sea RAC, Pelagic

Stocks RAC, North Western Waters RAC, Baltic Sea RAC, Long Distance RAC, South Western Waters RAC and Mediterranean Sea RAC.

The RACs are an important target audience for the CFCA in its Communication policy, as they are partners and suppliers of information to fisheries organisations and companies.

During 2009, the CFCA participated in meetings of the Executive Committees of the RACs, especially in those of the RACs affected by the Joint Deployment Plans adopted by the CFCA, and in the RAC Working Groups, but solely when issues referring to CFCA competences were included in the agendas of the relevant meetings.

4.3.2 Cooperation with other Agencies in the Maritime domain

In November 2009, the European Maritime Safety Agency (EMSA) based in Lisbon, the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (Frontex) based in Warsaw and the Community Fisheries Control Agency (CFCA), concluded an agreement with a view to cooperate, in accordance with their respective mandates, in the field of maritime surveillance that will be mutually beneficial for the three agencies.

The Cooperation Agreement will allow for the exchange of information and expertise as well as of for the exploration of the joint use of assets as relevant, optimising the functioning of the European Union as a whole regarding Maritime Surveillance. It is anticipated that the cooperation will result in an improvement of the control of external maritime borders of the EU (competence of Frontex), an increase in the maritime safety (competence of EMSA) and an enhancement of the coordination of fisheries control and inspection activities by the Member States (competence of CFCA).

The main activities comprised in the agreement are the following:

- Exchange of information and data on matters of common interest
- Explore synergies in the use of the maritime surveillance and information systems
- Explore the possibilities of joint use of assets
- Investigate potential cooperation in the field of maritime surveillance directed to the protection of external maritime borders and fisheries control
- Expand mutual collaboration between the Agencies in areas such as coordination of inspections, research and development, training, etc.

4.3.3 EU Agencies, networks and institutional representation

As a matter of sound management the CFCA attends the meetings convened by the Commission, the European Parliament and the Council where its presence is desirable, required or in its own interest.

Thus, amongst the meetings that can be outlined during 2009 were two presences in the Fisheries Working Group of the Council when the new mandate of the CFCA was being discussed; there was also a presentation in the EP at end of December 2008 and another one is forecasted for January 2010. Last but not least, CFCA representatives also attended the Commission experts groups on control for fisheries and aquaculture.

The CFCA has participated, on a Commission request, in the meetings of the regional fisheries organisations in which JDPs are being executed, NAFO, NEAFC and ICCAT during 2009; The CFCA representatives supported the Community Delegation in these meetings.

In the field of horizontal matters, the inter-agency cooperation network coordinates the relations between the Agencies, the Commission and the European Parliament. In this context, the Executive Director and the Head of Administration attended the yearly meetings of the Heads of Agencies and Heads of Administration. Likewise, apart from meetings of Directors, Agency experts met through the different Agency networks with their counterparts in other Agencies.

The EU Agency network coordinates the dialogue between Agencies and, in particular, the European Commission in matters pertaining to administration and finance and other topics of general interest. The CFCA participated to the following EU Agencies networks: Procurement (NAPO), Communication, Data protection, Legal (IALN), IT and Accounting.

Last but not least, the CFCA also took also part in the two Management Board meetings of the Translation Centre.

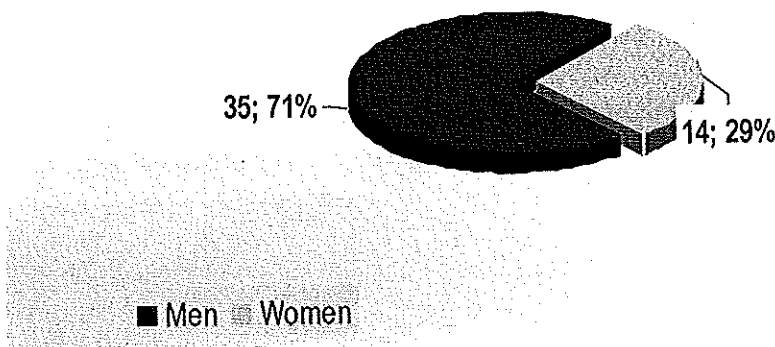
4.4 Horizontal support activities

2009 has been the first full year exercise at the CFCA's new premises, following the move to Vigo in 2008. After the initial effort to organise the main processes, the CFCA went through a considerable optimisation of all support services in 2009. This has led to the consolidation of the CFCA's overall internal organisation ensuring a more efficient and effective management of the resources available in relation to the operational priorities. This has been achieved by adopting appropriate best practices, an effective recruitment

campaign, and further improving tools and applications for the day to day management of transactions.

4.4.1 Human Resources

Recruitment has been a priority task in 2009 and has been carried out in line with the CFCA's objectives and budgetary considerations. Most Temporary agent (TA) posts have been filled or the recruitment is at an advanced stage. Two SNE's are now employed on a longer term basis. All Contract agent (CA) positions are filled.



Around 70% of CFCA staff is male (31/12/2009). While in Unit A and the Executive Director's Office (ED) gender balance exists (11 women and 10 men) in Units B and the C there is minority of 3 women (and 1 female SNE) among mainly experts from a traditionally male domain. However, the recruitment of 4 female staff members in the operational units for 2010 shows a tendency of change.

18 different nationalities are represented. The percentage of local nationality is 23%. The best represented expatriate nationalities are French, Belgium, Portuguese and Italian.

| Nationality | Count |
|-------------|-------|
| ES | 11 |
| FR | 5 |
| BE | 6 |
| PT | 5 |
| IT | 5 |
| DE | 3 |
| IE | 2 |
| NL | 2 |
| UK | 1 |
| DK | 1 |

| | |
|------------|----|
| SE | 1 |
| EE | 1 |
| LT | 1 |
| BG | 1 |
| EL | 1 |
| PL | 1 |
| AT | 1 |
| FI | 1 |
| TOTAL (18) | 49 |

Training of staff has been enhanced in 2009, based on the needs of the CFCA and those expressed by the staff in relation to the development of skills and expertise linked to the different job profiles. Much training has been organized at the Agency's premises using different Service Level Agreements concluded between the CFCA and the Commission.

A Human Resources (HR) application facilitating administrative procedures in HR and with possibility for further development has been under test. Along with this, considerable work has been dedicated to improve the planning, the coordination and the reporting activities in HR. A systematic description of procedures in HR has also been initiated.

In accordance with Article 110 of the Staff regulations, two implementing provisions, one for the appraisal of the Executive Director, and the other one for the engagement and use of temporary agents, have been adopted. Selection procedures' panels have been aligned to the new requirements of including the conduction and assessment written tests.

Two notifications regarding data protection for personal data in recruitment and for the treatment of personnel medical data have been set up.

Preparations have been made for the performance appraisal 2009 (CDR) which is planned to take place in early 2010. The job descriptions have been updated and the organisational chart adapted in accordance with the new organisational decision of 2009 which specifies the unit missions and the subsequent structures for functions and job descriptions. At the beginning of 2009, all staff members agreed specific individual objectives for their work, which will now form the basis for the CDR appraisal.

4.4.2 Finance and procurement developments

The main focus for 2009 has been the consolidation of financial and procurement procedures. The aim has been to streamline processes, thus facilitating compliance with the applicable Financial Regulation and

implementing rules. Particular attention has been paid to IAS recommendations and the Court of Auditors findings. To this end, a number of significant actions have been undertaken successfully:

- Starting from March 2009, certain responsibilities in administrative management were delegated by an ED decision to the Head of Unit A in particular with a view to accelerate the approval of financial transactions in Titles I and II; a delegation to the Head of Unit C for financial transactions in operational coordination is prepared for the 01/01/2010;
- A specific reporting package to management was developed from the second quarter of 2009 with key and detailed information related to the budget execution, programming and procurement activities. This reporting tool, together with regular monthly meetings between the Finance team and project managers, has improved the capacity of the CFCA management for budget monitoring and planning of resources. The impact of this has been reflected in several procedures e.g. the year end exercise, with the cut off exercise 2009-2010 being more precise and effective than the previous year;
- A particular effort has been made to improve the follow up of payment requests and cost claims. More resources have been used for this purpose with the result that payments are now finalised within the allowed 30 days from the registration of the invoice.

On the procurement side, an ambitious plan was prepared for 2009. The relocation to Vigo required the CFCA to put in place, in a very short timeframe, a significant number of contracts for the provision of main services and supplies. A considerable effort has been dedicated to the preparation and finalisation of several open call for tenders launched during the year. By the end of 2009 a wide range of services has been covered with the award of several framework contracts and other direct contracts thus giving the Agency the possibility to better plan and manage its own resources for the next years.

2009 has also seen a general review of procurement processes focused on the enhancement of the control for compliance with the general rules, particularly in relation to the management of the risks related to procurement contracts. This review will be finalised in mid 2010 with the expected result to streamline the procurement circuit and to increase the efficiency of all related administrative processes

4.4.3 Budget Execution CFCA 2009

During the Administrative Board meeting of 16 October 2008, the budget of the CFCA for 2009 was adopted, which became final in December 2008 when the Budgetary Authority adopted the General Budget 2009. There were €6.8 million set as contribution to the CFCA from the total subsidy of the European Community. There were two amendments to cover a shortage of appropriations under the staff expenditure allocated for 2009, which implied a total of €7.9 million as the final amount for the subsidy in the budget 2009.

By the end of the financial year 2009, the Agency had committed 98,2% of the total subsidy granted, which shows a significant increase compared with 2008 budget execution levels (88%). The CFCA also paid out around 88% of the available payment appropriations (excluding expenditure from other sources of revenue).

| TITLE | BUDGET 2009 | COMMITMENTS | | PAYMENTS | |
|-----------------------------|---------------------|---------------------|------------|---------------------|------------|
| | | Consumed (Euro) | %exec | Consumed (Euro) | %exec |
| TITLE I | 5,621,500.00 | 5,425,404.95 | 97% | 5,319,545.57 | 95% |
| TITLE II | 1,356,000.00 | 1,460,912.66 | 108% | 862,582.58 | 64% |
| TOTAL TITLE I AND II | 6,977,500.00 | 6,886,317.61 | 99% | 6,182,128.15 | 89% |
| TITLE III | 937,500.00 | 883,770.77 | 94% | 792,598.13 | 85% |
| Capacity Building | 300,000.00 | 287,356.60 | 96% | 211,532.12 | 71% |
| Operations | 637,500.00 | 596,414.17 | 94% | 581,066.01 | 91% |
| TOTAL | 7,915,000.00 | 7,770,088.38 | 98% | 6,974,726.28 | 88% |

4.4.4 Information and Communication Technologies (ICT)

After the initial effort in mid 2008 to procure and provide the Agency with the main services for its basic functioning, 2009 has been dedicated to equip the Agency with the necessary ICT tools to enabling the staff to carry out in more efficient and effective manner its activities. Particularly relevant to this end has been the effort made in the identification of solutions to enhance the overall ICT infrastructure for the coming years. Of particular note is the analysis of user's requirements for the implementation of a Collaboration and Document Management Systems (CMS). This initial phase has been successfully completed and the target platform on which to develop the Agency's CMS has been identified. This development is essential for the operational systems of the CFCA.

In addition to the above, the definition of the first multiannual ICT strategy, including the draft of a first IT Self Risk Assessment and Business Continuity Analysis has been successfully addressed in line with the ICS and Auditors' recommendations.

The CFCA has paid particular attention in 2009, to adopting a Green IT approach for any ICT infrastructure and equipment, in line with the EU Eco-Management and Audit Scheme (EMAS).

4.4.5 Communication

The CFCA further built its Communication capacities so they could contribute more effectively to the goals of building a culture of compliance with the Common Fisheries Policy by its stakeholders; supporting the Communication Strategy defined by the European Commission in the field of the Common Fisheries Policy and in particular Control and Enforcement toward the general public, and fostering the European Union's values locally, as the CFCA activities have a clear impact in the Member State's seat.

The CFCA website, the main access point to get information on the agency, was completely revamped. The current website receives around 2000 visitors per month and it is continuous development.

As activities towards the goal of supporting the Communication policy of the European Commission regarding the Common Fisheries Policy, the CFCA was present at the Seafood Exposition, in Brussels on 28-30 April, participating at the stand of the Commission. Moreover, the Community Fisheries Control Agency, the European Commission DG MARE and the European Maritime Safety Agency – EMSA participated in the World Fishing Exhibition, in Vigo on 16-19 September. During this exhibition, on 18 September, the CFCA organised a dedicated day to Europe. Around 200 attendees participated in the whole programme comprising local authorities, fishing sector, exhibitors and journalists.

With a view to foster the European Union values locally in Vigo, the CFCA celebrated the Europe day in Vigo, on 9 May, in cooperation with the City Hall and the Port Authority. The cooperation was extended to the European Parliament. It was the occasion to announce the winner of the European art contest "Human activity in the maritime environment, in relation to Fishing" for young people, organised by the CFCA. Around 100 very prominent guests attended. On the street, the CFCA held a stand as a way of one-to-one communication with Vigo citizens. The event resulted in a vast coverage.

On another point, the CFCA finalised its visual identity guidelines, which will support the perception of the CFCA as a centre of excellence and transparency, as it is defined in its mission.

Finally, other issues on which the CFCA has developed some media work in 2009 have been the adoption of the Agency's work programme and budget for

2010, the séminar on the Assessments of the JDPs, the agreement signed with EMSA and Frontex and the bluefin tuna control campaign.

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ANNEXES

ANNEX I. A Assessment reports of the JDPs

Assessment report 1: JDP North Sea, Eastern Channel, Skagerrak-Kattegat

1. Legal Basis

Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting (of) those stocks and repealing Regulation (EC) No 423/2004 intends to ensure the safe recovery of the cod stocks in the Kattegat, the North Sea, the Skagerrak, the Eastern Channel, the waters west of Scotland and the Irish Sea¹⁰ by introducing specific control measures.

Commission Decision (2008/620/EC) establishing a specific control and inspection programme related to the cod stocks in the Kattegat, the North Sea, the Skagerrak, the Eastern Channel, the waters west of Scotland and the Irish Sea¹¹, lays down the rules to ensure harmonised implementation of control measures by Members States.

Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy¹² specifies that the operational cooperation between Members States concerned should be undertaken on the basis of a joint deployment plan to be prepared by the CFCA.

2. Strategy and Planning Of Campaigns

2.1. Description of the fishery

Fishing activity in the region is undertaken by fishing vessels originating from the Member States bordering the North Sea, the Eastern Channel and the Skagerrak and Kattegat: Belgium, Denmark, France, Germany The Netherlands, Sweden and United Kingdom. A number of different fleets operate demersal multi-species fisheries of great importance to several Member States in which cod is taken mostly as a by-catch. In accordance with the applicable rules, Community vessels may operate in Norwegian waters and Norwegian vessels in Community waters.

In April 2008 the European Commission introduced a new system of effort management by setting kilowatt-days for vessels to be managed by Member States. In December 2008 the European Commission and Norway established a new cod management plan implementing the effort management system.

¹⁰OJ L 348, 24.12.2008, p. 20.

¹¹OJ L 198, 26.7.2008, p. 66.

¹² OJ L 128, 21.5.2005, p. 1. Regulation as last amended by Regulation (EC) No 1224/2009.

All demersal fisheries in this region are within the scope of the North Sea JDP. Inspection and surveillance activities should concentrate on fishing vessels using gear types that are likely to catch cod either as a targeted fishery or as a by-catch.

2.2. Situation of the stock

ICES reported that the 2008 estimate of Spawning Stock Biomass (SSB) for the North Sea, Skagerrak and Eastern Channel showed a slower increase as forecasted due to increased discards. In 2008 the SSB was 30-40% of the level in the 1980's.

ICES estimated that in 2008, the level of cod discards was higher than the amount of cod kept on board for human consumption.

Although annual assessments for the SSB are not available for the Kattegat stock, given the recent unreliable catch data, exploratory assessments show a decline for SSB being currently close to a historical low.

The proportion of older individuals in the estimated stock remains very low and recruitment of 1 year old cod has varied considerably over the last 30 years. Since 1998 average recruitment has been lower than ever. Although, the 2005 year class was estimated to be one of the most abundant; subsequent year classes have been low. The recent high level of discarding has reduced the contribution to the stock of the 2005 year class.

Because the fishery is at present so dependent on incoming year class, fishing mortalities on these year classes is high, and 95% of a year class is taken before it has spawned for the first time. Although, as a consequence of decommissioning and fishing effort limitation, the fishing effort has decreased, notably from fleets targeting cod, fishing mortality remains at a high level.

2.3. Risk analysis

The methodology for the planning of joint campaigns is based on the analyses by the CFCA of 2008 reference data supplied by the Member States. The main data sets are the recorded cod catches per ICES rectangle on a monthly basis and the amount of cod landings in Member State ports bordering the North Sea JDP area. The provided data is aggregated to identify the areas and periods of important fishing activity. The results of the analysis are presented in graphic form and discussed with Member States at the Steering Group. The aggregated results, complemented with intelligence from MS, are the basis for the draft planning of the joint control, inspection and surveillance activities.

Pre-campaign risk analysis has been sophisticated for the 2009 planning. Most Member States either have a risk analysis system in place or are in the process of developing such systems. Member States concerned were asked to provide outputs from their risk analysis system. Information was exchanged at the Steering Group meetings and some of the outputs were taken into account during the planning stage of the JDP. As a result, the process of defining the times and areas of the campaigns improved and more specific objectives for each joint campaign could be identified. It was agreed that this process would be further developed in 2010 in order to ensure greater effectiveness of the joint control inspection and surveillance activities in the area.

In addition, there have been instances of intensified cooperation between Member States regarding the sharing and exchange of risk analysis expertise.

The baseline regarding current levels of compliance of individual fleets active in the area is becoming more and more apparent as the available information regarding inspections and infringements during Joint Campaigns has become more comprehensive in the course of time.

2.4. Strategy

It was agreed to implement the North Sea and adjacent areas JDP in the form of joint campaigns.

- Each joint campaign covered an area and period selected on the basis of the results of the risk analysis. It provided for the participation of the relevant Member States responsible for control, inspection and surveillance in that area and of the Member States whose fishing vessels were active in that same area. It detailed the objectives of the activities and the national means committed by the Member States concerned.
- The means were to be deployed throughout the whole area during a joint campaign, including the Exclusive Economic Zones (EEZ) of other Member States and on a voluntary base, as well in territorial waters, taking into account pre-defined access procedures.
- Joint teams of inspectors were placed on board of inspection platforms. Each team should consist of at least one inspector of the coastal Member State where the surveillance activities are conducted.
- Landing inspections by mixed teams were scheduled where cod landings of fishing vessels could be expected.
- Each joint campaign was coordinated from a single Coordination Centre in Charge. The Member State volunteering to this task provided an operational coordination and communication platform in order to consolidate and to share available data (i.e. VMS, inspection activity, fishing activity) for targeting and coordinating inspection and surveillance activities during the joint campaign. Member States provided all relevant data to the Coordination Centre in Charge.

2.5. List of scheduled campaigns

For 2009 the following joint campaigns were agreed with the Member States concerned:

| No | Date | Area | Participating MS |
|----|-------------------------|--|------------------|
| 1 | 12 Jan to 23 Jan 2009 | Southern North Sea-Eastern Channel | FR, BE, NL, UK |
| 2 | 2 Mar to 13 Mar 2009 | Eastern North Sea, Skagerrak, Kattegat | SE, DK |
| 3 | 20 Apr to 01 May 2009 | Northern North Sea | UK, DE, DK |
| 4 | 4 May to 15 May 2009 | Eastern North Sea | DK, BE, NL, SE |
| 5 | 1 June to 12 June 2009 | Eastern North Sea | DE, SE, DK, NL |
| 6 | 13 July to 24 July 2009 | Eastern North Sea and Skagerrak | DK, DE, UK |
| 7 | 31 Aug to 12 Sep 2009 | Eastern North Sea and Skagerrak | SE, DE, DK, UK |
| 8 | 14 Sep to 25 Sep 2009 | Southern North Sea and Eastern Channel | NL, BE, FR, UK |
| 9 | 9 Nov to 20 Nov 2009 | Central North Sea and Skagerrak | DE, SE, DK |
| 10 | 30 Nov to 11 Dec 2009 | Southern North Sea and Eastern Channel | FR, BE, NL, UK |

The Work Programme regarding the CFCA activities in 2009 provided for 120 operational days in the North Sea and adjacent waters. The organisation of 10 Joint Campaigns produced a total of 121 operational days in 2009.

3. Implementation of the JDPs

3.1 Member State participation

All Member States participated in each of the joint campaigns as agreed in the initial North Sea and adjacent areas JDP planning.

| MEMBER STATE | 2008 JDP PARTICIPATION | | 2009 JDP PARTICIPATION | |
|--------------|------------------------|-----------------------------|------------------------|-----------------------------|
| | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MS | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MS |
| DENMARK | 6 | 4 | 6 | 3 |
| BELGIUM | 3 | 0 | 4 | 0 |
| FRANCE | 3 | 1 | 3 | 2 |
| NETHERLANDS | 3 | 1 | 5 | 1 |
| GERMANY | 4 | 0 | 5 | 1 |
| UK | 6 | 3 | 6 | 1 |
| SWEDEN | 5 | 2 | 5 | 2 |

Comparing Member State participation in 2008 with their participation in 2009 shows an increase of the level of Member State participation in individual campaigns. It also indicates that the participation as such was better balanced in particular regarding the Member States volunteering as lead Member State.

The means committed by the Member States concerned broadly reflected their respective levels of involvement in the cod fishery in the area concerned.

3.2. Deployment and pooling of means

| SUMMARY | North Sea 2008 | North Sea 2009 |
|------------------------------------|----------------|----------------|
| Member States involved | 7 | 7 |
| Campaign days | 119 | 121 |
| Patrol vessels deployed (sea days) | 216 | 204.5 |
| Aircraft deployed (Flights) | 50 | 42 |
| Inspectors (mixed teams) | 56 | 43 |

In general, all Member States have deployed the means of inspection and surveillance committed to the agreed joint campaigns listed in the initial JDP planning. However, in some cases, difficulties have been experienced related to limited availability of the committed means during certain campaigns due to *force majeure* (serious technical problems with a new-build inspection vessel).

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|--------------|------------------------|-----------------------------|------------------------|-----------------------------|
| | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MS | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MS |
| DENMARK | 6 | 4 | 7 | 3 |
| BELGIUM | 3 | 0 | 4 | 0 |
| FRANCE | 3 | 1 | 3 | 2 |
| NETHERLANDS | 3 | 1 | 5 | 1 |
| GERMANY | 4 | 0 | 5 | 1 |
| UK | 6 | 3 | 6 | 1 |
| SWEDEN | 5 | 2 | 5 | 2 |

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The quality of the means for sea inspection and surveillance was generally adequate. Most vessels can stay out at sea for longer periods, are well equipped and have accommodation available for mixed inspection teams. However, differences were observed between the various FPV's deployed in the terms of their ability to operate in poor weather conditions.

As regards aerial surveillance, 42 flights were carried out during 10 joint campaigns. In total, 543 sightings were made. Aircraft have been deployed by Belgium, France, Germany, the Netherlands, Sweden and the UK.

Aerial surveillance has again proven useful with regards to detecting the activities of the small-fleet segment in the Eastern Channel area and in some cases as a support tool for confirming activity of suspect vessels.

In addition, the surveillance data was used to perform cross-checks of VMS data made available at the coordination centre.

As indicated, 43 Inspectors have been exchanged and formed part of joint teams on board of inspection vessels.

The deployment of joint boarding teams continued to be of great importance for the success of joint sea inspection operations. Having on board a national inspector of the coastal Member State in whose waters the inspection is active seems to avoid a number of procedural problems. Joint teams of inspectors facilitate a straightforward approach regarding the initiation of infringement procedures and exercising enforcement powers. A mixed inspection team also increases the overall efficiency of inspection activities as it reduces communication problems and facilitates the exchange of back-ground information and intelligence.

However, it should be stressed that, in order to ensure the added value of such exchanges, the inspectors deployed require an adequate level of experience.

Based on the feedback received from the national inspectors deployed in mixed teams, a number of differences in applied inspection methodologies and some aspects regarding the implementations of the legal framework could be identified for further follow up and harmonisation.

On land, mixed teams have been deployed for only a limited number of occasions. It should be noted however that for some Member States deployment of mixed teams on land is of high interest, in particular where fishing vessels frequently land their catches in ports of other Member States and in the case of transport between Member States.

The advantages of having mixed teams available during landing inspections are somewhat similar to those at sea. Sharing experience is considered a good practice in the light of harmonisation.

3.3. Operational coordination Coordination Centre in charge

The Member State in charge provided the platform for communication and coordination (CCIC). Most Member States were in the advantageous situation of having a fully-equipped operation room available. Although the availability of a well-equipped coordination instrument is important, the fact of having sufficient human resources available at the coordination centre is even of greater importance.

During most joint campaigns, the inspection means provided by other Member States were steered directly from the coordination centre in charge without interference from the flag Member State of the inspection vessel. Notwithstanding the fact that the Member State offering the inspection or surveillance means always keeps full control of those, there is a significant advantage in keeping the communication lines as short as possible, in particular when several platforms are operating in the same area.

For each joint campaign, the CFCA made a coordinator available to assist the Member State at the coordination centre. This has been welcomed by all Member States since being in charge of a joint deployment campaign requires considerable efforts at the level of human resources.

Pooling of data

The methodology for the exchange of VMS data during the joint campaigns is now a well-established procedure and very few problems were encountered in this area. Any problems which did arise were of a technical nature and were promptly dealt with by the relevant FMC's, in that way ensuring the continuity of the availability of VMS data for the CCIC.

The recording and exchange of inspection activity details during joint campaigns was on the whole satisfactory. However, in a number of cases fishing vessels were inspected twice because information did not circulate fast enough. There is still some room for improvement regarding the speed of inspection activity data transmission.

Access to waters

It was of paramount importance, for the efficiency of the JDP, to be able to deploy the committed inspection means in areas where they are most needed.

In order to facilitate, where possible, cross-border inspection and surveillance activities in waters under the jurisdiction (EEZ) and under the sovereignty (territorial waters) of Member States, the access procedures and possibilities for each Member State were listed and explained in advance. These procedures have been clarified through consultations with the Member States. There are still some Member States where access to territorial waters is not granted due to sovereignty or political issues. In such cases, efforts have been made to ensure that the coastal Member State concerned would provide for an inspection presence in their waters during a joint campaign.

Furthermore, it was agreed that, in order to avoid possible legal problems when infringements are detected, cross-border activities should preferably be carried out only when a National Fisheries Inspector of the coastal Member State concerned is present on board and can lead the inspections in the waters of the coastal Member State.

The cross-border inspection activity with mixed inspection teams continued in most joint campaigns. It has proven to be very effective in the Eastern Channel/Southern North Sea region.

3.4. Joint Inspection and Surveillance Activities

Inspection activity

The inspection and surveillance activities concentrated on fishing vessels using gear types that are likely to catch cod either as a targeted fishery or as by-catch. Inspections of transport and marketing of cod were also carried out.

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With an average of approximately 29 sea inspections and 65 landing inspections per joint campaign, the overall result of the inspection activity during the 2009 North Sea JDP is as follows:

| Inspections | 2008 | 2009 |
|-------------|------|------|
| Sea | 449 | 286 |
| Shore | 711 | 654 |

| Infringements Detected | 2008 | 2009 |
|------------------------|------|------|
| Sea | 43 | 48 |
| Shore | 41 | 54 |

The reduced level of sea inspections in 2009 was due to poor weather conditions during some campaigns and the application of risk analysis for targeting purposes. The level of operational risk analysis at the CCIC has increased and improved since 2008. However, at present only a limited number of participating Member States apply very advanced and complex risk analysis methods. The transmission of target information transmitted to the inspection platforms during joint campaigns initiated a proactive search for target vessels. In 2009 the average number of sea inspections per day of operation was 2.4 with an average of 4 sea sightings per day of operation.

The inspection activity during the 2009 JDP resulted in a detection rate of approximately 16.8% of suspected infringements at sea, and in an 8% detection rate during landing inspections.

Of the 48 suspected infringements detected at sea during the North Sea JDP, 44 have been established during inspection activities in the Southern North Sea and Eastern Channel. Of those, 22 infringements were related to the detection of fishing gear having mesh sizes smaller than the minimum requirements using the newly introduced electronic mesh gauge. These particular infringements were dealt with by issuing official warnings and the order to change the gear in order to conform with relevant mesh size. This approach was in line with what was commonly agreed between the inspection authorities of the participating Member States.

When it concerned serious offences, a number of vessels have been re-routed to port in order to appear before court.

In the Skagerrak, Kattegat and Eastern North Sea areas, with only 2 cases the number of detected infringements was considerably lower. Similarly, in the Northern North Sea only 2 infringements were detected.

Of the 53 infringements detected ashore, 35 were detected in the Southern North Sea and Eastern Channel, 17 in the Eastern North Sea and Skagerrak and one in the Northern North Sea; 18 of these infringements were related to logbook issues. (i.e. under recording, margin of tolerance etc).

A comparison between the ratio of the number of infringements detected against the number of inspections performed in the framework of the campaigns of the 2008 JDP and the ratio of the results for the campaigns in the framework of 2009 JDP reveals an increase of the proportionality of inspections against detected infringements of 77 % for activities at sea and 43 % for the activities on land. This result seems to indicate that the methodology for targeting vessels was more efficient.

However, in particular when considering the ratio calculation for sea activities the results should be treated with some caution; leaving aside the infringements detected following measurement of gear with the newly introduced electronic mesh gauge, the ratio of detected infringements against inspection activity remains the same for 2009 when compared with 2008.

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a) Detailed Inspection activity table

| DETAILED SUMMARY PER MEMBER STATE | MEANS PROVIDED - SEA | | | MEANS - AIR | | MEANS - SHORE | | INFR. DETECT. RATE | |
|-----------------------------------|----------------------|--------------|------------------|-----------------|----------------|---------------|------------------|--------------------|--------|
| | ACTIVE SEA DAYS | NO. OF INSP. | NO. OF INFRI NG. | NO. OF FLIG HTS | NO. OF SIGH T. | NO. OF INSP. | NO. OF INFRI NG. | SEA | SHO RE |
| BEL | 14 | 25 | 9 | 9 | 82 | 35 | 4 | 36% | 11.4 % |
| DEN | 44 | 86 | 2 | 0 | 0 | 339 | 16 | 2.3% | 4.7% |
| FRA | 18 | 31 | 6 | 4 | 72 | 81 | 23 | 19.4 % | 28.4 % |
| GER | 18 | 13 | 0 | 1 | 2 | 0 | 0 | 0% | 0% |
| NDL | 25 | 54 | 21 | 5 | 19 | 68 | 10 | 38.9 % | 14.7 % |
| SWE | 20 | 29 | 0 | 9 | 117 | 104 | 0 | 0% | 0% |
| UK | 39 | 48 | 10 | 14 | 251 | 127 | 1 | 20.8 % | 0.8% |

b) Overview of infringements detected

| NATURE OF SUSPECTED INFRINGEMENT | 2008 | | 2009 | |
|--|----------------------|------------------------------|----------------------|------------------------------|
| | NO. OF CASES. AT SEA | NO. OF CASES. DURING LANDING | NO. OF CASES. AT SEA | NO. OF CASES. DURING LANDING |
| Obstructing Fishery Inspectors | - | - | 1 | - |
| Illegal gear | 15 | 1 | 5 | 1 |
| Logbook issues | 15 | 22 | 5 | 35 |
| Catch composition | 5 | - | - | 3 |
| Undersized fish | 4 | 1 | 2 | 2 |
| Pilot ladder | 1 | - | 3 | - |
| Gear not marked | - | - | 3 | - |
| Retaining prohibited species | - | - | 1 | - |
| Not having required documentation on board | - | - | 2 | - |
| Undersize fish | - | - | 2 | 2 |
| OMEGA gauge offence | - | - | 26 | 2 |
| No pre-notification landing time or change of area | 1 | 8 | - | 10 |
| Fishing in prohibited area | 2 | - | - | - |
| No special permit on board | 2 | - | - | - |
| Fish subject to recovery programme not stowed separately in hold | - | - | 2 | 4 |
| VMS | - | 1 | 1 | - |
| Failure to respect Effort Control Regime | - | 1 | - | 1 |
| Exceeding quota | 1 | 3 | 1 | 1 |
| Common market standards | - | 3 | - | - |

4. EVALUATION

4.1. Methodology

In accordance with Article 14 of Regulation (EC) No 768/2005, the CFCA shall undertake an annual assessment of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable control measures. An assessment methodology is now developed in line with the conclusions formulated of a seminar with Member States organised in Vigo (July 2009).

By mid 2009, a debriefing and evaluation report for each joint campaign in the North Sea JDP has been proposed by the CFCA and further developed in collaboration with the Steering Group. The report consists of the following 3 sections:

1. *A Fact Sheet*: containing a description of the joint campaign and the statistics of the results of the campaign; this section is also used as the joint campaign factual report published on the web site of the CFCA.

2. *An Implementation Evaluation*: contains details of the compliance of the participating Member States and the CFCA with their respective obligations under the requirements of the JDP Decision.

3. *A Quality Evaluation*: in this section Member States and the CFCA are invited to provide comments regarding the quality of the various aspects of the conduct of the joint campaign. The main purpose is to help identifying best practices which can be applied in future joint campaigns as well as to highlight weaknesses and to suggest possible solutions for improvement.

The elaboration of the report will be performed as a consultative process; the draft report is written by the CFCA Coordinator in collaboration with the CCIC, taking into account the feedback received from other ACC's and inspections units. The draft report is then sent to all members of the Technical Joint Deployment Group for comments and the final report is then transmitted to the Steering Group in line with the requirements of the JDP Decision.

It is the intention to continue to develop the reporting format in line with future needs for information arising from future improved assessment methodologies.

4.2. Cooperation

JDP activities have contributed to the uniform and harmonised application of the rules and inspection procedures performed by various national services through training of inspectors, exchange of best practices, harmonised inspection procedures and the deployment of mixed inspection teams.

Joint Campaigns have contributed to the effectiveness of the control, inspection and surveillance activities carried out by the Member States concerned. The pooling of inspection means during a joint campaign for cross-border operations have increased the probability of inspection and included an additional surprise effect when inspecting in areas with dense fishing activity.

On two occasions, it was decided to call a meeting of the Technical Joint Deployment Group in order to ensure the effectiveness of the preparation for the joint campaign.

The Steering Group discussed and agreed on a common approach regarding the usage of the electronic mesh gauge during the joint campaigns, with the objective to guarantee a level playing field for the fishing industry.

Guided and coordinated by the Coordination Centre in Charge, the inspection and surveillance operations were efficiently targeted in accordance with the fishing activity at a given time in the area.

The increased use of operational risk analysis during the joint campaigns and the sharing of risk analysis expertise, has improved the quality of identification of target vessels likely to be acting in contravention with fishery legislation. This has been demonstrated by the higher infringements rates found on target vessels compared with the rates on non-target vessels. This has been made possible by the close cooperation of participating Member States in terms of the exchange of information.

5. CONCLUDING REMARKS

- The level of operational cooperation between member States continued to improve, however there are still some areas where a progress can be made. The JDP framework proved to contribute to the uniform and harmonised application of the rules and inspection procedures;
- The risk analysis carried out at the operational level initiated a proactive search for target vessels, making the inspections more efficient but on the other hand decreasing, in general, the overall number of vessels inspected;
- The increased use of operational risk analysis during Joint campaigns and the sharing of risk analysis resulted in higher infringements rates found on target vessels compared with rates on non-target vessels;
- Detected Infringement rate for 2009 seems to increase in comparison with the previous year. However, this is due to the fact that 45% of detected infringements were related to the application of the new method of mesh size measurement (Omega gauge);
- The debriefing and evaluation report for each joint campaign provided a contribution to the development of an assessment methodology, by collating quantitative and qualitative information regarding the implementation and results of joint campaigns.

Assessment report 2: JDP Baltic Sea

1. LEGAL BASIS

Commission Decision (2008/589/EC) of 12 June 2008 establishing a specific monitoring programme related to the recovery of cod stocks¹³ based on Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing measures for the recovery of cod stocks¹⁴ lays down the rules for joint control, inspection and surveillance activities by the Member States concerned to be organised by the CFCA. Decision No 2008/45 of the Executive Director of the Community Fisheries Control Agency gave effect to the Commission Decision and the organisation of the use of pooled national means of control and inspection in the Community waters in the Baltic Sea.

2. STRATEGY AND PLANNING OF CAMPAIGNS

2.1 Description of the fishery

The Baltic Sea, being neither truly salt nor freshwater, contains a limited number of species; the most predominant of those, from a socio-economic point of view, is cod. Other main, target species include salmon, herring, sprat and flounder. Whilst all the countries surrounding the Baltic Sea engage in fishing activities neither Finland nor Estonia feature highly in the cod fishery, this primarily due to the fact that cod stocks inhabit the waters of the southern part of the Baltic Sea.

The gears used to catch cod in the Baltic Sea are either trawls or gillnets with some hook and line fishery also taking place. Danish seines are also deployed in the Western Baltic Sea.

2.2 Stock and quota situation

The Baltic Sea cod is managed as two separate stocks. Though biologically distinct from each other a certain migration of fish takes place between the two stocks; known as the eastern and western stock. The eastern stock is currently about seven times larger than the western stock. A multi-annual management plan aiming at restoring both stocks to sustainable levels was adopted in 2007.

Although fishing mortality has been stable during the last three years, the western stock has been over fished for many years, according to ICES, which classes the stock as "being at risk of reduced reproductive capacity as well as suffering from a too high fishing pressure".

¹³OJ L 148, 11.6.2005, p. 36. Decision as last amended by Decision (2007/429/EC)

¹⁴OJ L 70, 9.3.2004, p. 8.



The biomass of mature cod, i.e. the spawning stock, is believed to be at the same level as the previous year, 23,000 tonnes. Alarming, 23,000 tonnes of spawning biomass is considered to be the precautionary minimum level at which the stock will be able to sustain itself.

Over the past 10 years, relatively low numbers of cod have reached mature age. It is believed that this is caused by unfavourable environmental conditions as well as high levels of fishing mortality. However, ICES has advised that fishing mortality can be increased slightly as a result of positive predictions based upon a strong year class from 2008 but the stock, if allowed to reproduce in greater numbers through reduced fishing mortality could potentially, in the future, give much greater yields than those of today.

Reaching historically high levels in 1980-82, the stock was then four times its current size. The depletion of the stock is attributed to two main factors: over fishing and environmental conditions resulting mainly from a low influx of oxygen bearing salt water from the North Sea.

The spawning stock biomass of the eastern cod stock is estimated to be 160,051 tonnes. Although this indicates a slight rise in stock levels it is mainly attributed to strong year classes in 2003 and 2005. To be within safe biological limits, ICES recommend a spawning stock biomass of 240,000 tonnes. As in the case of the western stock, ICES point out that the stock could be much larger and the potential exists for greater catches in the future.

According to ICES, unallocated landings appears not be a problem in the ICES area 22-24 (western stock). The stock biomass (SSB) of the eastern stock remains at historically low levels but is no longer classified as "overfished". As a result, ICES have recommended a 15% increase in TAC corresponding to catches of 56,800 tonnes including the Russian quota.

| Year | Quota 22-24 | Quota 25-32 | Quota Total | F/V licensed |
|------|-------------|-------------|-------------|--------------|
| 2007 | 26.696 | 40.805 | 67.501 | 1.777 |
| 2008 | 21.684 | 38.765 | 60.449 | 1.625 |
| 2009 | 16.337 | 44.580 | 61.917 | 1.261 |

Table 1: Summary of quotas for the Baltic cod stocks

2.3 Structure of the Baltic cod fleet:

The fleets of Member States fishing for cod in the Baltic vary considerably. The fleet structures range from those with very small fleets, such as Finland and Estonia, to the larger fleets of Poland, Denmark and Sweden.

The size of vessels targeting cod in the region also varies considerably with Denmark, Poland and Sweden also having a larger percentage of smaller vessels; predominately deploying passive gear.

An important issue in the region is that of fleet reduction. In all, a total reduction of 29% in the size of the fleet has taken place between 2007 and 2009. This has been achieved mainly by reductions in the fleets of Denmark, Poland and Sweden.

As a result of fleet diminution and a slight increase on the total quota in 2009, the averagely available quantity of cod per vessel authorised to fish for cod increased from 2007 to 2009 by 29.2%.

2.4 Risk analysis

The methodology for the planning of campaigns is based upon analyses, conducted by the CFCA, of data supplied by the Member States; in particular: recorded cod catches per ICES rectangle on a monthly basis in 2008 and the amount of cod landings in Member State ports bordering the JDP area for the same period. By so doing, the areas and periods of major fishing activity could be identified. This formed a basis for a draft planning of the campaigns.

Although a number of Member States have undertaken work on risk analysis, from a regional perspective, no rational and coherent exercise has been undertaken to include the Baltic fleets in their entirety, although a system for this has now been developed by the CFCA and will be operative in time for the planning of JDP campaigns for the second half of 2010. Moreover, the base line concerning the current compliance levels of the different fleets is not clear at Community level. Member States have partial information which, during 2009, could not be aggregated into a complete and comprehensive regional risk analysis.

It is fair to state that, although risk analysis is gaining territory, not all Member States in the Baltic region deploy risk analysis systems in fisheries surveillance. However, as mentioned above, this situation is expected to change within a very short period as the CFCA has developed a risk analysis application for regional use which also can be simply adapted to the needs of the individual Member States. The application will be offered to any Member State wishing to avail itself of this opportunity.

2.5 Strategy

The Joint Deployment Plan for the Baltic, according to agreement reached with Member States, is implemented in the form of joint campaigns in which intelligence as well as material and human assets are pooled. These campaigns are carried out as follows:

- Each joint campaign covered an area selected on the basis of the results of the initial data analysis. It provides for the participation of the relevant Member States responsible for control, inspection and surveillance in that area and of the Member States whose fishing vessels were active in that same area. It detailed the objectives of the activities and the national means committed by the Member States concerned.
- Each joint campaign was coordinated from a single coordination centre in charge. The Member State volunteering to this task provided an operational coordination and communication platform in order to pool and make available data (i.e. VMS, inspection activity, fishing activity) for targeting and coordinating inspection and surveillance activities during the joint campaign. Member States made available and provided all relevant data to the coordination centre in charge.
- The means were to be deployed throughout the whole area including the Exclusive Economic Zones (EEZ) of other Member States as well as in Territorial Waters on a voluntary basis, taking into account pre-defined access procedures.
- Mixed teams of inspectors were placed on board of inspection platforms. Each team should consist of at least one inspector of the Member State where the surveillance activities are deployed.
- Landing inspections by mixed teams were scheduled where landings of fishing vessels from other Member States can be expected.

2.6 List of scheduled campaigns

For 2009 the following joint campaigns were agreed with the Member States:

| No | Date | Area | Participating MS |
|----|----------------------------------|---|--------------------------------|
| 1 | 05Jan-16 Jan | Southern Baltic Sea, subdivisions 25-26 | DK LT, LV, PL, SE |
| 2 | 26Jan-06 Feb | Western Baltic & the Belts subdivisions 22-24 | DK,DE,SE |
| 3 | 16 Feb-27 Feb | Southern Baltic Sea, subdivisions 25-26 | DK, LV , LT , PL, SE |
| 4 | 16 Mar-27 Mar | Southern Baltic Sea subdivisions 25-26 | DK,DE, LV, LT, PL, SE. |
| 5 | 15 Apr-22 April | Western Baltic & the Belts subdivisions 22-24 | DK ,DE, PL, SE |
| 6 | 25 May-05 June | Southern Baltic Sea subdivisions 25-26 | DK, FI, EE, LT, LV, PL, SE |
| 7 | 16 June-23Jun | Southern Baltic Sea subdivisions 24-25 | DK, DE, EE, FI, PL, SE. |
| 8 | 06 Aug- 10 Aug 22 Aug -23 Aug | Central & SE Baltic Sea subdivisions 24-26 | DK, LT, LV, PL,SE |
| 9 | 09 Sep- 22 Sep | Central & SE Baltic Sea subdivisions 24-26 | DK, LT, PL, SE. |
| 10 | 28 Sep – 07 Oct. | Central & SE Baltic Sea subdivisions 24-26 | DE, DK, EE, LV, PL, SE |
| 11 | 04 Nov- 11Nov | Western Baltic Sea (shore) | DE, DK, FI, LT, LV, NL, PL, SE |
| 12 | 19 Nov- 30 Nov | Central & SE Baltic Sea subdivisions 24-26 | DK, EE, FI, LT, LV, PL, SE. |
| 13 | 07 Dec-12 Dec | Central & SW Baltic Sea subdivisions 22-25 | DE , DK, PL,SE |

3. IMPLEMENTATION OF THE JDP's

3.1 Member State participation

All Member States participated in each of the joint campaigns as agreed in the initial JDP planning.

| MEMBER STATE | JDP PARTICIPATION | |
|--------------|-------------------|---------------------------------------|
| | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MEMBER STATE |
| DENMARK | 13 | 3 |
| ESTONIA | 4 | 0 |
| FINLAND | 4 | 0 |
| GERMANY | 7 | 2 |
| LATVIA | 6 | 1 |
| LITHUANIA | 8 | 2 |
| NETHERLANDS | 1 | 0 |
| POLAND | 9 | 3 |
| SWEDEN | 10 | 2 |

The participation of the individual Member States in the JDP was relatively well balanced considering the level of fishing activities and landings in each Member State.

3.2 Deployment and pooling of means

| SUMMARY | Baltic Sea |
|--------------------------------------|------------|
| • Total number of campaigns | 13 |
| • Member States involved: | 9 |
| • Campaign days: | 138 |
| • Patrol vessels deployed (sea days) | 169 |
| • Aircraft deployed (flights) | 37 |
| • Inspectors (mixed teams) | 52 |

The quality of the means for sea inspection and surveillance was, in general, adequate or better with a number of vessels having the ability and endurance to remain at sea for sufficiently long periods and being well equipped as well as having sufficient accommodation available for mixed inspection teams.

Aerial surveillance has proven useful with regards to detecting the activities of the fishing fleet and in some cases as a support tool for confirming activity of suspect vessels. In addition, the surveillance data was used to perform cross-checks of VMS data made available at the coordination centre. Whilst an extremely useful tool, aerial surveillance is limited in the Baltic region due to few Member States operating aircraft for fisheries surveillance purposes. During 2009 operations were further restricted due to Sweden, the major operator of surveillance aircraft in the region, introducing three new aircraft into their squadron; a task which requires a substantial phasing-in period. However, these new aircraft,

with their enhanced remote analysis capabilities, are much more efficient than their predecessors and should ensure increased aerial surveillance capacity.

As indicated, 52 inspectors were exchanged and formed part of mixed teams.

The deployment of mixed boarding teams was of paramount importance for the success of joint sea inspection operations. Having on board a national inspector of the Member State in whose waters the inspection vessel is active, seems to avoid a number of practical problems, in particular the initiation of infringement procedures and exercising policing and enforcement powers. A mixed inspection team also increases the overall efficiency of inspection activities as:

- it reduces language problems
-
- it facilitates the exchange of back-ground information and intelligence
-
- it supports the harmonisation of inspection procedures
-
- it gives networking possibilities which can have long-term advantages

It should once again be stressed that, in order to ensure the added value of such exchanges, the inspectors deployed require an adequate level of training and experience.

In landing inspections the advantage of having mixed teams available are somewhat similar to those at sea. Equally, inspectors deployed should also be well trained and experienced. In the framework of the deployment of mixed boarding teams, guidelines have been developed which can be useful for future campaigns.

3.3 Operational coordination

Coordination Centre in Charge

The Member State in charge provided the platform for communication and coordination. Not all Member States were in the advantageous position of having a fully-equipped operation room available. Although the availability of a well-equipped coordination platform is important, the fact of having sufficient human resources available at the coordination centre is even of greater importance.

For each joint campaign, the CFCA made a coordinator available to assist the Member State at the coordination centre. It continues to be appreciated by all Member States as being in charge of a joint deployment campaign requires considerable efforts at the level of human resources.

Pooling of data

All Member States have made a significant effort to establish the exchange of VMS data during the joint campaigns for the areas concerned. The usefulness of shared VMS data needs no explanation; it is a key element for the guidance of inspection platforms.

The recording and exchange of inspection activity details during each joint campaign was satisfactory. However, as in previous years, the methodology for sharing this data needs to be further improved and developed.

Access to EEZ and territorial waters

It was of paramount importance, for the efficiency of the JDP, to be able to deploy the committed inspection means in areas where they are most needed.

Although, in the framework of Commission Regulation (EC) No 1042/2006 rules for access to EEZs have been established, access to some EEZs was not always granted. Cumbersome national access procedures and sovereignty rules required a flexible approach when preparing operational coordination.

In order to facilitate, where possible, cross-border inspection and surveillance activities in waters under the jurisdiction (EEZ) of Member States and even under the sovereignty (territorial waters) of Member States, the access procedures and possibilities for each Member State were listed and explained. In addition it was agreed that, in order to avoid any legal problems when infringements are detected, cross-border activities could only be carried out on the understanding that a National Fisheries Inspector of the coastal Member State concerned would lead the inspections in the waters of the coastal Member State.

3.4 Inspection activity

The inspection and surveillance activities concentrated on fishing vessels using gear types that are likely to catch cod. Inspections of transport and marketing of cod were also carried out.

With an average of approximately 32 sea inspections and 267 landing inspections per joint campaign the overall result of the inspection activity during the 2009 Baltic Sea JDP is as follows:

| | |
|----------------------|------|
| • Inspections: Sea | 413 |
| • Inspections: Shore | 3735 |

The inspection activity during 2009 resulted in a detection rate of 06% of suspected infringements at sea and on average 1.9% of infringements during landing inspections.

| | |
|---------------------------------|------|
| • Infringements detected: Sea | 20* |
| • Infringements detected: Shore | 56** |

* A further 6 national infringements were detected

** A further 9 national infringements were detected

Of the 20 suspected infringements detected at sea, the majority have concerned the use of illegal gear, i.e. obstructed BACOMA windows, incorrect mesh size (5). The remainder of the offences were more or less evenly distributed with pilot ladder offences (2), logbook offences

(2), permit offences (3), incorrect or non notification of landing (2), undersized fish (2) fishing in a closed area (1) and VMS offences (1).

Of the 56 infringements detected ashore by far the greatest were exceeding the margin of tolerance in the logbook (21). Other offences included incorrect or non notification of arrival (17), undersized cod (3), by-catch offences (2), logbook offences other than margin of tolerance (2), permit offences (2), landing in non-designated ports (2), overweight in fish boxes (2), VMS offences (1), change of area (1), marking of fishing gear (1), obstructing fisheries officers (1) and licensing offences (1).

However, the results in a given joint campaign are very dependent of a number of different factors:

- The number of Member States participating is a key element, although more important are the number, quality and availability of inspection platforms, as these can vary between joint campaigns and have a major influence on the inspection activity.
- Bad weather conditions during many joint campaigns and a search and rescue operation in another, negatively influenced the number of inspections in those individual campaigns. In some cases it was possible however to reschedule the human resources for the monitoring of cod landings in the main landing ports.
- The density of the fishing activity, and thus the potential for inspection, is very dependent on the nature of the fisheries and the inspection area.
- The level of risk analysis at the coordination centre and the target instructions transmitted to the inspection platforms initiate a proactive search for target vessels, making the inspections more efficient but on the other hand decreases, in general, the overall number of vessels inspected during a joint campaign.

a) Detailed Inspection activity table

| MEMBER STATE | MEANS PROVIDED - SEA | | | MEANS - AIR | | MEANS - SHORE | | INFR. DETECT. RATE % | |
|--------------|----------------------|--------------|----------------|-------------|------------|---------------|----------------|----------------------|--------|
| | SEA DAYS | INSPEC-TIONS | INFRINGE-MENTS | FLIGHTS | SIGHT-INGS | INSPEC-TIONS | INFRINGE-MENTS | SEA | SHOR E |
| DEN | 64 | 138 | 15 | 0 | 0 | 356 | 14 | 10.8 | 3.9 |
| EST | 3 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FIN | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GER | 34 | 93 | 0 | 0 | 0 | 127 | 1 | 0 | 0.8 |
| LAT | 3 | 17 | 1 | 0 | 0 | 33 | 4 | 5.9 | 12.1 |
| LIT | 6 | 17 | 2 | 0 | 0 | 90 | 1 | 11.8 | 1,1 |
| POL | 27 | 71 | 1 | 16 | 161 | 2751 | 24 | 1.4 | 0.87 |
| SWE | 34 | 62 | 1 | 21 | 149 | 368 | 16 | 1.6 | 4.4 |

*Only infringements against Community legislation shown above

It should be noted that the above table reflects only the nationality of the inspection teams, vessels or aircraft thus an inspector from, say, Estonia or Finland participating in inspections carried out in Denmark or from a Danish FPV would be recorded as a Danish inspection.

b) Overview of infringements detected

| NATURE OF SUSPECTED INFIRNGEMENT | NO. OF CASES. AT SEA | NO. OF CASES. DURING LANDING |
|--|----------------------|------------------------------|
| Bacoma requirements | 5 | 0 |
| Illegal gear attachments | 0 | 0 |
| Logbook issues, under recording | 2 | 2 |
| Catch composition | 0 | 2 |
| Undersized fish, Hidden fish | 2 | 3 |
| Pilot ladder | 2 | 0 |
| Margin of tolerance | 0 | 23 |
| No pre-notification landing time or change of area | 2 | 17 |
| Fishing in prohibited area | 1 | 0 |
| No special permit on board | 3 | 2 |
| VMS | 1 | 1 |
| Fish hold plan not on board | 0 | 0 |
| Obstruction the work of Fisheries inspectors | 0 | 1 |
| Landing in a non design port | 0 | 2 |
| Unpermitted change of fishing area | 0 | 1 |
| Licensing offences | 0 | 1 |
| Incorrect gear marking | 0 | 1 |

c) Specific Inspection on control of fish transports

Denmark, as CCIC coordinated a specific JDP campaign together with DE, EE, FI, PL and SE targeting control of transport during a period of 8 days. Special training was provided by

the CFCA prior to the campaign start. A total of 26 inspections of vehicles were carried out with 1 infringement being detected.

3.5 Training of inspectors

The CFCA has a legal obligation under Article 7 of Council Regulation 768/2005 to undertake training of fishery inspectors, with a view to improving and harmonising fishery control in the Member States. In addition, the CFCA has a legal obligation under Article 3 of Council Regulation 768/2005 to assist MS and the Commission in harmonising the application of the Common Fisheries Policy.

A training seminar was held on 24 and 25 April 2008, at the Danish Directorate of Fisheries Headquarters in Copenhagen. Experts from all MS involved in fishery inspection and surveillance in the Baltic Sea attended the seminar.

This seminar was the first of its kind to be held for the Baltic Sea Member States inspection and surveillance services, with a view to presenting the Agency's approach and methodology regarding minimum standards of inspection and to exchange views regarding this issue with Member States concerned by the Joint Deployment Plan for Cod in the North Sea and adjacent waters. . Given the level of expertise among the majority of those who attended, the concept was to hold more of a forum than a classroom-type training event

The seminar examined the following issues:

- The Role of the Commission, the Member States and the CFCA
- Basic European Fisheries Legislation
- Control Regulations
- Cod recovery and management measures in the light of the Joint Deployment activities in the North Sea and in the Baltic Sea.
- Inspection procedures

3. EVALUATION

3.1 Methodology

In accordance with Article 14 of Regulation (EC) No 768/2005, the CFCA shall undertake an annual assessment of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable control measures. An assessment methodology has been developed in line with the conclusions formulated during the seminar with Member States, organised in Vigo (July 2009).

By mid 2009, a debriefing and evaluation report for each joint campaign in the Baltic Sea JDP had been proposed by the CFCA and further developed in collaboration with the Steering Group. The report consists of the following 3 sections :

1. *A Fact Sheet:* containing a description of the joint campaign and the statistics of the results of the campaign; this section is also used as the joint campaign factual report published on the web site of the CFCA.

2. *An Implementation Evaluation:* contains details of the compliance of the participating Member States and the CFCA with their respective obligations under the requirements of the JDP Decision.

3. *A Quality Evaluation*: in this section Member States and the CFCA are invited to provide comments regarding the quality of the various aspects of the conduct of the joint campaign. The main purpose is to help identifying best practices which can be applied in future joint campaigns as well as to highlight weaknesses and to suggest possible solutions for improvement.

The elaboration of the report is performed as a consultative process; the draft report is written by the CFCA Coordinator in collaboration with the CCIC, taking into account the feedback received from other ACC's and inspections units. The draft report is then sent to all members of the Technical Joint Deployment Group for comments and the final report is then transmitted to the Steering Group in line with the requirements of the JDP Decision.

It is the intention to continue to develop the reporting format in line with future needs for information arising from future improved assessment methodologies.

3.2 Cooperation

JDP activities have contributed to the uniform and harmonised application of the rules and inspection procedures performed by various national services through training of inspectors, exchange of best practices, harmonised inspection procedures and the deployment of mixed inspection teams.

Joint Campaigns have also contributed to the effectiveness of the control, inspection and surveillance activities carried out by the Member States concerned. The pooling of inspection means during a joint campaign for cross-border operations have increased the probability of inspection and included an additional surprise effect when inspecting in areas with dense fishing activity.

The Steering Group discussed and agreed on a common approach regarding the usage of the electronic mesh gauge during the joint campaigns, with the objective to guarantee a level playing field for the fishing industry.

Guided and coordinated by the Coordination Centre in Charge, the inspection and surveillance operations were effectively and efficiently targeted in accordance with the fishing activity at a given time in the area. The pooling of data in the Coordination Centre in Charge made it possible to analyse the fishing activities throughout the entire fishing area.

The increased use of operational risk analysis during the joint campaigns and the sharing of risk analysis expertise, has improved the quality of identification of target vessels likely to be acting in contravention with fishery legislation. This has been demonstrated by the higher infringement rates found on target vessels compared with the rates on non-target vessels. This has been made possible by the close cooperation of participating Member States in terms of the exchange of information.

In the Baltic Sea a considerable number of inspection vessels of good quality are available. During 2009 this number has increased as new inspection vessels have been delivered; a fact which has not only swelled the ranks of the surveillance fleet but also greatly increased its quality and therefore ability to perform maritime surveillance tasks. However, the distribution of the available means remains unbalanced with some Baltic Member States still lacking off-shore patrol capability.

4. CONCLUDING REMARKS

JDP campaigns executed in the Baltic region during 2009 have shown the following:

- The level of operational cooperation between member States has continued to improve. The JDP framework proved to be a major contributing factor to the uniform and harmonised application of the rules and inspection procedures
- The risk analysis carried out at the operational level is an indication of a proactive search for target vessels, making the inspections more efficient but on the other hand decreasing, to some extent, the overall number of vessels inspected
- A decrease has been observed in infringement rates when comparing with those of 2008. The debriefing and evaluation report for each joint campaign provided a contribution to the development of an assessment methodology, by collating quantitative and qualitative information regarding the implementation and results of joint campaigns
- The lack of a regional risk analysis system has been seen as a flaw in the current system. However, the introduction of such a system in 2010 will correct that issue.

Assessment report 3: JDP BFT

I - Introduction

Bluefin tuna in the Eastern Atlantic and the Mediterranean has been overfished for several years. Presently, the International Commission for the Conservation of the Atlantic Tunas' (ICCAT) Standing Committee on Research and Statistics (SCRS) considers that the stock is being exploited outside safe biological limits and has estimated that underreporting of bluefin tuna catches is substantial.

During 2007, the European Community quota was overfished and the European Commission (EC) had to close the fishery before some Member States (MS) reported the exhaustion of their quota. The control, inspection and surveillance activities carried out by each of the MS concerned in 2007 were not well coordinated and not evenly spread over the different fleets targeting bluefin tuna.

At its Annual Meeting in November 2008, the International Commission for the Conservation of Atlantic Tunas (ICCAT) amended the multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean. This recovery plan includes measures such as a progressive reduction of the TAC level, capacity measures, restriction on fishing within certain areas and time periods, measures concerning sport and recreational fishing activities, control measures and the implementation of the ICCAT Scheme of Joint International Inspection to ensure the effectiveness of the plan.

The amended ICCAT multiannual recovery plan for bluefin tuna was implemented into Community law by Council Regulation (EC) n° 302/2009 concerning a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean¹⁵. This regulation contains a number of provisions that go beyond those of ICCAT multiannual recovery plan. In addition, MS have reduced substantially their purse seine fishing capacity in 2009 with respect to that of 2008.

A new Commission Decision (2009/296/EC) establishing a specific control and inspection programme related to the recovery of bluefin tuna in the Eastern Atlantic and Mediterranean was adopted on 25 March 2009¹⁶ and shall apply from 15 March 2009 to 15 March 2011.

The two years duration of the Commission Decision (2009/296/EC) has allowed the CFCA in 2009 to adopt a two years Joint Deployment Plan (JDP). In this regard, the Decision to establish a JDP for bluefin tuna fishing activities in the Eastern Atlantic and the Mediterranean Sea by the Executive Director of the Community Fisheries Control Agency (CFCA) on 1 April 2009 together with Council Regulation (EC) n° 302/2009 and Commission Decision (2009/296/EC) constitutes the legal basis needed to organise the use of pooled national means of control and inspection in Community waters and in international waters covered by ICCAT.

In 2009, the CFCA has again brokered cooperation between all national services involved in control, inspection and surveillance of the MS involved in the bluefin tuna fishery based on the experience from last year's control campaign.

The present report describes the implementation of the JDP in 2009 and includes the results of coordinated joint control inspection and surveillance activities by MS. This report does not

¹⁵ OJ L 96 of 15.04.2009, p.1

¹⁶ OJ L 80 of 26.03.2009, p. 18

contain the data on the activities carried out by the MS concerned outside the JDP and by the EC.

II - Training under the 2009 Joint Deployment Plan for the bluefin tuna

One of the major tasks of the Community Fisheries Control Agency (CFCA) is to provide additional training courses and seminars to inspectors and other personnel involved in monitoring, control and inspection activities.

The CFCA organised for the first time a regional training for MS personnel in charge of training within the framework of the 2009 bluefin tuna JDP. This training took place in Vigo from 10 to 12 March 2009. The participants were distributed as follows:

- 19 participants from MS (Cyprus, France, Greece, Italy, Malta and Spain)
- 7 participants from the DG MARE

The two and half days of training were focused on the presentation of the new bluefin tuna regulation proposal concerning a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean, the proposal for a new Commission Decision establishing a specific control and inspection programme related to the recovery of bluefin tuna, the 2009 bluefin tuna JDP as well as several case studies that were worked out in small groups and later discussed among all the participants.

During the training course, the new checklists elaborated by the CFCA were also presented and discussed. The new checklists describe necessary tasks to be carried out during inspections and have been adapted in accordance with the recent adopted bluefin tuna regulations.

All trainees have received at the end of the training course a CD-ROM containing all presentations made during the course, checklists and relevant legislation.

Each trainee completed a questionnaire to assess the training. At 84%, the 2009 bluefin tuna training was considered a positive one. In particular, case studies were very much appreciated by trainees. Participants proposed some new subjects to be included in future trainings, such as training sessions on the biology and identification of tuna species and on the use and analysis of underwater video footages made during transfers.

In addition to the training implemented in Vigo, the CFCA supported nine national training courses organized by MS participating in the bluefin tuna JDP, as well as the one organised in Croatia. CFCA coordinators participated to these national training courses and made presentations on the implementation of the 2009 bluefin tuna JDP. As well, they participated during the discussions that followed the presentations.

The following table summarizes the training conducted by MS with the support of the CFCA. The table shows that in 2009, a total number of 222 inspectors were trained during these national training courses, compared to 128 in 2008.

| Member State | Date | Place | Number of participants |
|--------------|------------------|-----------|------------------------|
| ITALY | 19-20 March 2009 | Napoli | 32 |
| CYPRUS | 24 March 2009 | Nicosia | 12 |
| ITALY | 26-27 March 2009 | Messina | 30 |
| FRANCE | 26-27 March 2009 | Marseille | 30 |
| FRANCE | 30-31 March 2009 | Sète | 25 |
| GREECE | 30-31 March 2009 | Piraeus | 30 |

| | | | |
|-------|------------------|------------|----|
| MALTA | 6-7 April 2009 | La Valetta | 25 |
| ITALY | 27-28 April 2009 | Ancona | 30 |
| MALTA | 17-18 June | La Valetta | 8 |

National trainers benefited from several of the presentations included in the CD-ROM issued during the Vigo training course. As well, at the end of the national training courses a CD ROM containing the training material was distributed.

In general, the result of all these training sessions was very positive. They contributed to a better understanding of the regulatory issues (ICCAT, EC and national) and to a common interpretation of such rules. As well, the role of the CFCA and its overall coordination mission was explained and clarified.

A detailed analysis of the implementation of the 2009 bluefin tuna JDP has identified some weaknesses which should be considered when organising future trainings:

- Bluefin tuna regulations are quite complex. Therefore, it is essential that the participants attending the training courses have the necessary regulatory background to be able to get the maximum benefit from this type of courses.
- There is a need to improve the drafting of the inspections reports. In addition to inspection reports, inspectors should make additional statements and join them to the inspection reports, particularly when infringements are detected. These additional statements should thoroughly describe the infringements, explain clearly the facts and make a reference to appropriate articles of the legislation.

Special attention should be paid to these issues when preparing the programme for future trainings. In particular, the improvement in inspection reports drafting will be addressed during the next training courses organised by the CFCA.

Finally, to optimize the benefits of national trainings, the duration should be adapted to the complexity of bluefin tuna regulations. Enough time should be devoted during the training to practical exercises. Theoretical sessions might be complemented with on the job training in each country at the beginning of the campaign to allow new inspectors to get familiar with bluefin tuna regulations and inspection procedures.

III - The bluefin tuna fishery in 2009

III.1 - The fishing fleet

The fleet involved in the bluefin tuna fishery in the Mediterranean Sea consisted of European Community MS fishing vessels and other ICCAT contracting parties fishing vessels. More precisely, in the Mediterranean Sea vessels from MS such as Cyprus, France, Greece, Italy, Malta and Spain, as well as from other contracting parties to ICCAT such as Algeria, Croatia, Japan, Libya, Morocco, Tunisia and Turkey fished actively for bluefin tuna in 2009. Portugal did not issue special fishing permits to fish bluefin tuna to its fleet. In the Eastern Atlantic only fishing vessels from France and Spain participated to the fishery.

Concerning the above mentioned MS, they have distributed the main part of their bluefin tuna quota throughout vessels bigger than 24 meters in the form of individual catch quota.

The two main fishing techniques used to fish bluefin tuna in the Mediterranean Sea are purse-seine and longline. Purse seine fishing is directed to bluefin tuna whilst longline is a mixed fishery. In the Eastern Atlantic, Spanish vessels, together with a restricted number of French vessels, are fishing with pole and line. Another fishing technique used by French

vessels in the Eastern Atlantic is pelagic trawling. Finally, traps are used in several MS as a traditional fishing method for catching bluefin tuna during the migration seasons.

In 2009 it is noted a reduction in number of EC fishing vessels comparing to the previous year. More precisely, the EU MS have authorized 859 catching fishing vessels, of which 87 were purse seiners, to fish for bluefin tuna during the 2009 season.

EC Fishing Vessels Authorised to Actively Participate in BFT Fishing in 2009

| Category | CYP | ESP | FRA | GRC | ITA | MLT | PRT | IRL | GBR | NLD | TOTAL |
|--------------------------|-----------|------------|------------|------------|------------|------------|----------|----------|----------|----------|-------------|
| Mediterranean | | | | | | | | | | | |
| Purse seiner | 1 | 6 | 28 | 2 | 49 | 1 | | | | | 87 |
| Bait/Trolling/Line | 25 | 87 | 80 | 270 | 30 | 67 | | | | | 559 |
| Atlantic | | | | | | | | | | | |
| Trawler | | | 75 | | | | | | | | 75 |
| Bait/Trolling/Line | | 94 | 44 | | | | | | | | 138 |
| Total Catching | 26 | 187 | 227 | 272 | 79 | 68 | | | | | 859 |
| Total Other | 9 | 142 | 1 | 8 | 77 | 34 | 2 | 1 | 6 | 2 | 282 |
| Total All Vessels | 35 | 329 | 228 | 280 | 156 | 102 | 2 | 1 | 6 | 2 | 1141 |

Other ICCAT CPC's Vessels Authorized to Actively Participate in BFT Fishing in 2009

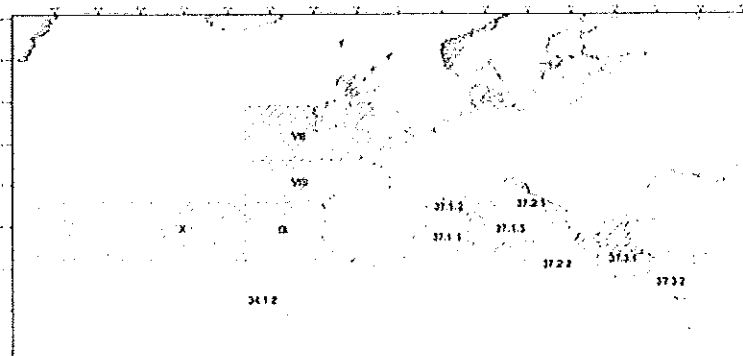
| Category | ALB | DZA | CHN | HRV | HND | JPN | KOR | LBY | MAR | PAN | SYR | TUN | TUR | TOTAL |
|---------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
| Trawler | - | - | - | - | - | - | - | - | 3 | - | - | 1 | 6 | 10 |
| Bait/troller/liners | 1 | 3 | 4 | 19 | - | 44 | - | 4 | 74 | - | 2 | 3 | 1 | 155 |
| Purse seiner | 1 | 13 | - | 63 | - | - | 1 | 31 | 11 | - | 3 | 38 | 56 | 217 |
| Total Catching | 2 | 16 | 4 | 82 | - | 44 | 1 | 35 | 88 | - | 5 | 42 | 63 | 382 |
| Total Other | - | - | - | 45 | 1 | - | - | 12 | 1 | 12 | - | 22 | 76 | 169 |

In total, both MS and other ICCAT CPCs, 1241 catching vessels were authorized to actively participate in bluefin tuna fishing in 2009. The number of other vessels amounted to 451.

III.2 - The 2009 bluefin tuna fishing pattern

The analysis of the 2009 bluefin tuna fishing pattern is based on the VMS information received by the TJDG during the campaign. Given that fishing patterns differ substantially among the different geographical areas, the analysis has been organized by FAO Fishing Subareas, namely:

- Western Mediterranean (FAO Subarea 37.1)
 - Balearic (Division 37.1.1)
 - Gulf of Lions (Division 37.1.2)
 - Sardinia (Division 37.1.3)
- Central Mediterranean (FAO Subarea 37.2)
 - Adriatic (Division 37.2.1)
 - Ionian (Division 37.2.2)
- Eastern Mediterranean (FAO Subarea 37.3)
 - Aegean (Division 37.3.1)



- Levant (Division 37.3.2)
- Eastern Atlantic (ICES Subarea VIII)

Western Mediterranean (FAO Subarea 37.1)

Since the last week of April, the Balearic waters (FAO Division 37.1.1) were progressively populated by a Spanish longliner fleet, which remained in the region throughout the entire fishing season. Japanese longliners were also reported in this region off the Algerian coast in the same period. Spanish and French purse seiners entered this division around the 20th of May, operating together with some Spanish and Panamanian tugs until the end of the campaign. All of the Spanish and some of the French purse seiners which were previously operating in the Eastern Mediterranean joined the fleet already present in the area during the second week of June.

Within the Gulf of Lions (FAO Division 37.1.2), the purse seine activity was very scarce and mainly conducted during the second fortnight of April. In this division the fishery was implemented mainly by longliners. At the beginning of May, most of the French purse seiner fleet and several Libyan purse seiners left French ports and steamed towards the Balearic and Central and Eastern Mediterranean.

During the second half of April and the first three weeks of May some Italian purse seiners were reported to be occasionally operating in Sardinian waters (FAO Division 37.1.3), mainly close to the Tyrrhenian coast while many others remained stationed at port. The most intense purse seine fishing period started approximately around the last week of May, when a few French purse seiners joined the Italian purse seine fleet. The fleet remained operational in the Tyrrhenian Sea until the end of the season.

Central Mediterranean (FAO Subarea 37.2)

Several Italian purse seiners were active within the Adriatic Sea (FAO Division 37.2.1) since the middle of April, with a strong presence in the area until the first week of May. Activities of several Croatian vessels operating in the Adriatic Sea were observed starting from the second part of May. No activity was reported for the Italian bluefin tuna fleet in the Adriatic Sea during June.

Bluefin tuna fishing activities within the Ionian Sea (Division 37.2.2) took place mainly in the Sicilian Channel and the area South of Malta. On the second half of April, some French purse seiners arrived in Lampedusa and many in Malta. In addition, some moved to Libya together with a Maltese purse seiner. On the week following, some French and Italian purse seiners called at Libyan and Maltese ports. A few of the French vessels which were stationed in Malta left port to steam towards Cyprus.

Active bluefin tuna fishing by Community (French, Italian and one Maltese), Tunisian, Moroccan and Libyan purse seiners started around the 20th May in the Sicilian Channel, the area South of Malta and inside Libyan waters. Several Italian and Maltese tugs and bottom trawlers were also operating in the South of Malta at this time.

Tunisian vessels remained mostly within national waters until the second week of June, during which period some vessels moved to international waters south and east of Malta. The Libyan fleet remained mainly within national waters during the entire fishing period.

The number of Italian and Maltese longliners operating in the West and South-West of Malta remained considerably large during the entire period.

Eastern Mediterranean (FAO Subarea 37.3)

During the month of April, the majority of the Greek longline fleet remained in Aegean ports (Division 37.3.1). Some Greek vessels were observed to be actively fishing around Cyprus together with Cypriot longliners towards the end of April. During May and June, the activity of the Greek longline fleet notably increased.

French and Spanish purse seine fishing operations in the Levant area (Division 37.3.2) started in mid May. Fishing grounds were mainly off Egyptian waters and remained so until the first week of June. Greek purse seiners became significantly active at a later stage and operated in the North-East of Cyprus until the end of the season. In this same region, a large Turkish fleet was observed operating during the entire fishing period.

Eastern Atlantic (ICES Subarea VIII)

The Spanish pole and line fleet and the French pelagic trawler fleet started the bluefin tuna campaign in the Gulf of Biscay during the last week of June and the first week of July. Both fleets were actively fishing for bluefin tuna in this area until the fishery was closed.

The Japanese longline fleet started to move to Central North Atlantic fishing grounds (outside the Icelandic EEZ) by the end of September. The fleet (of approximately 32 vessels) has been fishing in this zone throughout October and November.

IV – Implementation of the Joint Deployment Plan

IV.1 - Human resources and means allocated by CFCA and MS

IV.1.1 Human resources

All MS having fleets actively fishing for bluefin tuna in the Eastern Atlantic and the Mediterranean seconded national coordinators to the JDP's Technical Joint Deployment Group (TJDG). The TJDG was based at the premises of the Community Fisheries Control Agency (CFCA) in Vigo (Spain).

The CFCA provided four full-time members of staff to support both the activities of the TJDG throughout the whole campaign and to participate to some of the land and sea missions implemented in the framework of the JDP. During these missions, CFCA coordinators had an advisory role and worked in close cooperation with national authorities.

In 2009, MS made available more than 200 ICCAT and Community inspectors for the implementation of the JDP.

IV.1.2 Means of inspection

MS have made a substantial effort in terms of pooling of means to control and inspect bluefin tuna fishing activities, committing a significant amount of resources. The means deployed by MS during the JDP campaign were as follows:

| | |
|--------------------------|----|
| High Seas Patrol Vessels | 11 |
| Coastal Patrol Vessels | 18 |
| Airplanes/Helicopters | 9 |

The means deployed by MS arranged by FAO Subareas were as follows:

| | | | | |
|--|-------------|-------------|-------------|-------------|
| | WESTERN MED | CENTRAL MED | EASTERN MED | EASTERN ATL |
|--|-------------|-------------|-------------|-------------|

| | | | | |
|--------------------------|----|---|---|---|
| High Seas Patrol Vessels | 6 | 5 | 3 | 3 |
| Coastal Patrol Vessels | 11 | 8 | - | - |
| Airplanes/Helicopters | 6 | 6 | - | - |

The actual deployment of those means (i.e. activity days) will be discussed within the section IV.3 ("Deployment and pooling of means").

IV.1.3 Data Monitoring Centre

A Data Monitoring Centre was established in the 2nd floor of the CFCA premises, in a secure area with limitation of access to the room. The Centre was furnished with a VMS system to facilitate the monitoring of the movements of the fishing vessels in order to prepare and coordinate the missions. In addition the centre was provided with several subscriptions to online databases such as the AIS-live and Lloyd's register. The Centre comprised a meeting room in which coordination meetings of the TJDG were held.

IV.2 - Operational Coordination

The JDP was coordinated through:

- The Steering Group: composed of national contact persons appointed by the participating MS and a representative of the EC, and chaired by the CFCA. The SG was responsible for ensuring the overall coordination and evaluation of the implementation of the bluefin tuna JDP.
- The Technical Joint Deployment Group: based in the CFCA headquarters in Vigo, composed of National Coordinators designated by the participating MS and CFCA Coordinators and chaired by a National Coordinator. The objectives of the TJDG were to improve the operational coordination of the bluefin tuna JDP to ensure the coordination of the deployed means.

IV.2.1 Steering Group (SG)

Three SG meetings were held in May and June 2009. The objectives of these meetings were mainly to review the implementation of the JDP and to define the strategy and the priorities of the JDP in terms of control and inspection activities for the weeks ahead.

The priorities set up by the SG during the first weeks of the implementation of the 2009 bluefin tuna were as follows:

- Identification of inspection means;
- Coordination of the request for ICCAT inspector-cards;
- Control of farm activities;
- Control of driftnets in the Gulf of Lions ("ex-thonaillieurs");
- Control of purse seiner fisheries in the Adriatic;
- Control of longliners and baitboats in Balearic area.

From the third week of May and following the developments in the fishing pattern, priorities were shifted to the control of purse seiner fisheries in the Western and Central Mediterranean, especially the monitoring of tugs.

Means at sea and aerial means were also requested to control the bluefin tuna closure in the Mediterranean for longliners over 24m, which started on 1 June.

After the closure of the purse seine fishery, the main priorities for the inspection means were to control the observation of the closure and the activity of tugs.

A general priority during the campaign was also to closely monitor (through AIS and VMS) vessels included in ICCAT list of carrier vessels that have been historically involved in the transportation of bluefin tuna.

IV.2.2 Technical Joint Deployment Group (TJDG)

The TJDG started its activities on the 1 April 2009 with the arrival to the CFCA premises of National Coordinators from France, Italy and Spain. Additional National Coordinators from Cyprus, Greece and Malta joined the TJDG on 1 May 2009. The first period of activity of the TJDG was dedicated to establish the basis for the implementation of the operational coordination of the bluefin tuna JDP.

The TJDG was operative 7 days a week on an office-hours basis, with both National and CFCA Coordinators available on-call during off hours.

The TJDG held two daily coordination meetings throughout the campaign (morning and afternoon meetings). During these meetings VMS data was analysed with the aim of defining the inspection and control strategy and issuing recommendations to the inspection platforms and inspection teams for the next day. Furthermore, these meetings provided also the opportunity to exchange information concerning the control and inspection activities implemented.

To ensure a smooth functioning of the TJDG, some protocols and distributions of tasks between the CFCA coordinators and the National Coordinators were established; these included the storage of information received from inspection means and the preparation of daily briefings, daily SITREPS, daily recommendations to inspection means and weekly reports, among others.

The coordination by the TJDG of the deployment of inspection means (sea and air) and the exchange of inspectors between MS during the implementation of the 2009 bluefin tuna JDP can be considered as remarkable.

The TJDG transmitted daily, including weekends, the situation report (SITREP) to the National contact points, providing the schedule of the activity of the means, as well as other relevant information such as the fishing patterns.

In addition, the TJDG transmitted daily, including weekends, specific information and recommendations to the means deployed through the appropriate channels and regularly received the daily activity reports.

A weekly report, which was transmitted to MS and to the EC every Monday, was established by the TJDG.

IV.2.3 Pooling of data

Strategic risk assessment was used for the planning of control operation missions in 2009. The methodology applied was mainly based on analysis of fishing activity and experience gained during the implementation of the JDP in 2008. In this regard, Vessel Monitoring System (VMS) positions received during the 2008 fishing campaign were analysed. The average daily number of fishing vessels at sea per fortnight and Mediterranean subareas

was calculated from 1 April to 31 August 2008 in order to plan the deployment of inspection means for the next year.

A general conclusion is that the risk assessment done was quite successful. The deployment of means in time and space was consistent with the 2009 fishing pattern and therefore monitoring and control can be considered as effective. All bluefin tuna fishing grounds were surveyed during the right time periods. A good indicator of the correctness of the risk assessment is that, for instance, the number of inspections carried out increased considerably in 2009 compared to 2008. Nonetheless it would be convenient to allow a certain degree of flexibility so as to avoid patrolling when no active vessels are operating, especially in those missions carried out in coastal areas with coastal patrol vessels.

During the campaign, the operational risk assessment and the tactical coordination of the means deployed was the responsibility of the Technical TJDG. In this regard, the TJDG analysed information routinely received from MS during the joint campaign to give daily recommendations to inspection means. The information analysed was of varying nature and included VMS and Automatic Identification System (AIS) data, sightings, weather maps, sea temperature measurements as an indicator of spawning concentration, and infringement history from 2008 as well as information coming from transfer authorisations.

IV.2.4 Information management

A filing system was created to ensure that all data and information received by the TJDG from the inspection means were stored in a standard and consistent way.

Data and information received from the inspection teams were stored in the specific databases set up by the TJDG in excel format. These databases were accessible to all the members of the TJDG.

The analysis of the daily information received by the TJDG proved to be quite cumbersome and time consuming with the available excel databases. Therefore, there is an urgent need to develop a suitable information system to facilitate the storage of data received every day by the TJDG and to optimize the analysis and presentation of such a large amount of data. The information system to be developed is planned to become active before the beginning of the 2010 campaign and it will benefit from the experience gained during the implementation of the 2008 and 2009 JDPs.

The overall exchange of information between the TJDG and MS and the EC was reasonably satisfactory and fulfilled the provisions included in Section 4 of Annex III of the JDP. However, it is worth mentioning that the TJDG did not receive any information concerning vessels not respecting the catch report requirements and reaching 80% of their individual quota.

Some MS provided the TJDG with information concerning transfer authorizations. This information proved to be very useful when preparing the recommendations for inspection means at sea and in the future it would be essential to receive this type of information from MS on a regular and timely basis.

Furthermore, information concerning purse seiners catches could provide very useful information for both issuing daily recommendations and conducting inspections.

IV.2.5 Vessel Monitoring System

The establishment of the CFCA Data Monitoring Centre was finalised during the first week of May and first trials to set-up https connections with MS were carried out. Nevertheless, since

the beginning of the campaign the TJDG was regularly provided with VMS data by MS and the EC twice a day. As of the second week of May MS were already sending VMS information through https connection.

VMS reports from most ICCAT CPCs were received through the ICCAT Secretariat as of the 20 May. However, the TJDG did not received throughout the campaign VMS reports from Albania, Algeria, China and Croatia.

The activities of the inspection means deployed by the JDP have benefited significantly from VMS information provided in real time.

The TJDG has analysed the VMS transmission by all vessels (included in the ICCAT list) involved in the bluefin tuna campaign as catching, tugs, auxiliary and carrier vessels.

In particular, the TJDG, in cooperation with MS Fisheries Monitoring Centres, has closely monitored tugs included in the ICCAT bluefin tuna list of "other" vessels. According to the information gathered by the TJDG through MS, 107 tugs transmitted VMS reports in 2009. It should be noted that the number of tugs transmitting VMS improved throughout the campaign. Several other vessels did not transmit at all during the campaign. According to MS, these non-transmitting vessels either were in port throughout the entire campaign or were not engaged in bluefin tuna fisheries in 2009. However, information from almost 20 tugs was never received.

As it can be deduced from the portrayed scenario, the monitoring of tugs presented a number of difficulties in 2009. For the optimal functioning of the TJDG it would be very important that MS issue at the beginning of the campaign a list of which vessels will be actively participating in the bluefin tuna fishery, clearly defining the role of each vessel mentioned (tug, support, auxiliary, etc). An example is the reception throughout the campaign of VMS data from trawlers which were included within the 2009 ICCAT bluefin tuna list of "other" vessels but which were not involved at all in bluefin tuna fishing activities during 2009. It would be also useful for control purposes if tugs included within the ICCAT bluefin tuna list of "other" vessels transmit VMS data continuously throughout the fishing season (i.e. even when they are calling at ports).

The TJDG closely monitored vessels included in the ICCAT list of carrier vessels that have been historically involved in the transportation or processing of bluefin tuna through AIS and VMS. Since Recommendation 08-05 amending the recommendation by ICCAT to establish a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean entered into force on 17 June 2009, vessels engaged in bluefin tuna activities are supposed to be either in the ICCAT list of bluefin tuna "catching" vessels or in the list of bluefin tuna "other" vessels. Moreover all vessels over 24 meters that are engaged in bluefin tuna activities shall be equipped and transmit VMS. However, out of the twenty vessels being monitored, so far only thirteen have been included in the ICCAT list of bluefin tuna "other" vessels, and of these thirteen only six of them transmitted VMS.

IV.2.6 Feedback and reports from inspection platforms and inspection teams

Inspection platforms and inspection teams were requested by the TJDG to provide feedback on their missions in order to be able to improve the coordination, the deployment of inspection means and the conduction of inspections in future JDPs.

Inspectors consider that having a glossary of ICCAT inspection terms in the different languages of the vessels to be inspected, especially those not belonging to the EC could be very useful. Inspectors have experienced problems when dealing with ICCAT documents such as transfer declarations and BCDs in those languages.

The deployment of joint inspection teams and mixed teams has been very much appreciated by inspectors in terms of improving and harmonising the inspections conducted. However, in order to maximize the benefit from this exchange of best practices inspectors participating in joint missions should be trained accordingly, and preferably they should have attended national bluefin tuna trainings organised right before the beginning of the JDP. It would be appropriate that national trainings benefit from the experience gained by inspectors that have participated in JDP missions during the previous year.

MS staff involved in the missions deployed within the framework of the JDP should be familiar with, and respect, provisions included in the text of the JDP. For instance, MS should apply provisions concerning security briefings and accommodation facilities for the inspectors. In case provisions can not be fulfilled by a MS, the counterpart MS should be informed in advance to be able to take appropriate measures.

MS should use the inspection format annexed to Commission Decision (2009/296/EC) establishing a specific control and inspection programme related to the recovery of bluefin tuna when doing inspections in the framework of the JDP. Inspectors have suggested that the format of the inspection report should be modified to be better adapted to inspection requirements. In addition, inspectors on board fisheries patrol vessels should have access to all kind of information regarding the implementation of the JDP.

The inspections of the relevant documents of purse seiners fishing activities were very difficult to carry out due to the different interpretations concerning transfer declarations and BCDs relevant rules. These difficulties were worsened in cases where Joint Fishing Operations involved vessels from different countries. Most of the inspectors underlined the difficulties to get videos on board catching and tug vessels. When these videos were available, it was difficult to make a good use for several reasons such as poor quality, large number of individuals to evaluate, lack of video player, etc.

MS inspection means have stressed the importance of having access to VMS data in real time to allow for a better planning of the inspections.

IV.3 - Deployment of pooled means

IV.3.1 Activities undertaken within the framework of the 2009 BFT JDP

The JDP Schedule was agreed to by MS within the SG and annexed to the JDP document as Annex II. It included a total of 238 land days of activity, 274 sea days of activity and 219 hours of aerial surveillance.

During the 2009 bluefin tuna JDP, the means committed by MS have been active during 267 days at sea and more than 80 surveillance flights have been also carried out for a total of 218 hours. Additionally, 202 days of ashore inspections have been coordinated by the TJDG.

| 2009 | Scheduled | Undertaken | Percentage |
|-------------|-----------|------------|------------|
| LAND | 238 | 202 | 85% |
| SEA | 274 | 267 | 97% |
| AIR (hours) | 219:00:00 | 218:10:00 | 100% |

As it can be seen in the table above, in general, it can be concluded that the pooling of inspection means in term of days of activity has taken place according to the JDP Schedule (Annex II of the JDP).

Concerning sea missions, a few of them were cancelled due to "force majeure" and some sea missions were shorter than what was initially agreed within the JDP Schedule. However, some extra sea missions not initially foreseen were carried out by MS (either on their own initiative to compensate those shorter missions or on request by the TJDG for specific purposes). As a result, 97% of the sea activity days agreed within the JDP Schedule were accomplished.

Despite the cancellation of some air missions due to "force majeure" reasons, the activity carried out in terms of flight hours reached almost 100% of the agreed JDP Schedule. This was possible thanks to the duration of the air missions undertaken, that in general were longer than foreseen (the JDP Schedule defined a plane mission as a minimum of three hours flight and an helicopter mission as a minimum of two hours flight).

Regarding land missions, the JDP Schedule intended to monitor at the beginning of the campaign the quantity of tuna remaining in tuna farms from last year. Some of the farms were not operative in 2009 and therefore the number of land activity days was reduced accordingly.

It should be noted that the results of some land missions were not completely satisfactory either due to the absence of activities related to bluefin tuna fisheries or the farms not being operational. In fact, for the former reasons some missions were cancelled during the campaign. On the other hand, some extra land activity days were carried out by MS on request by the TJDG. It should be underlined that the response of MS to TJDG requests in terms of additional land activity days has been always positive.

The tables below summarised in a detailed way (by FAO Subarea) the activity deployed in 2009 by MS.

| 2009 | WESTERN MED | CENTRAL MED | EASTERN MED | EASTERN ATL | TOTAL |
|------------|-------------|-------------|-------------|-------------|-------|
| LAND | 83 | 73 | 24 | 22 | 202 |
| SEA | 137 | 80 | 27 | 23 | 267 |
| AIR (days) | 29 | 52 | 0 | 0 | 81 |

As it was scheduled, the activity deployed in 2009 was reduced with respect to that of 2008 (see table below). Nevertheless, as it will be discussed during the next sections, control results in terms of number of inspections have significantly improved, indicating among other things a much better planning of the resources allocated/deployed thanks to an improved risk analysis.

| 2008 | WESTERN MED | CENTRAL MED | EASTERN MED | EASTERN ATL | TOTAL |
|---------------|-------------|-------------|-------------|-------------|-------|
| LAND | 86 | 32 | 25 | 34 | 177 |
| SEA | 274 | 119 | 48 | 22 | 463 |
| AIR (flights) | 40 | 65 | 0 | 0 | 105 |

The results of the sea patrols have been analysed in detail. In some cases, results were not as successful as expected for various reasons: bad weather not permitting boarding of the fishing vessels, reduced fishing activity in the area of inspection, active fleets out of the range of action of certain coastal fisheries patrol vessels. Therefore, in several coastal fishing areas and in some specific periods it will be convenient to have the possibility to maintain some

coastal fisheries patrol vessels on stand-by in port, ready to sail on request if needed, according to the fishing patterns. This will certainly improve the efficiency of these vessels, both in terms of results and economical costs.

Obviously, having flexibility in high seas fisheries patrol vessels could be also very useful. For instance, the TJDG noticed that the fishing activity in the Centre Mediterranean at the time of deploying the French FPV Arago was very low. The possibility to reroute the Arago from the Centre Mediterranean to the Eastern Mediterranean fishing area following the request of the TJDG, where limited sea inspection means were available and a large number of fishing vessels were active, proved to be very successful. However, flexibility in high seas fisheries patrol vessels is definitely much more problematic due to its logistics. A possibility to overcome these flexibility problems would be to charter a joint EU fisheries inspection vessel during the 2010 bluefin tuna JDP. This possibility has been discussed in several SG meetings during 2009. The preliminary analysis of the campaign made by the TJDG suggests that it would be highly recommendable to charter a joint EU fisheries inspection vessel in 2010.

The charter of a joint EU fisheries inspection vessel would complement the deployment of national patrol vessels by MS and would present several important advantages for the European Community, which will significantly ameliorate monitoring and control not only in terms of flexibility but also in terms of transparency, harmonisation of fisheries inspections and training. In the first place, having a large inspection vessel adjusted to the requirements for the control of the bluefin tuna fishing activities in the Central and Eastern Area of the Mediterranean under operational command of the TJDG would enhance the control coverage of the fishing activities by third country and MS fishing vessels in these areas, and possibly, it would allow to survey areas that presently are not accessible to MS inspection means.

As well, a joint EU fisheries inspection vessel, chartered on behalf of MS by the CFCA, would increase the visibility of the European Community as a whole in this area and offer a neutral platform for training of third country inspectors registered under the ICCAT framework.

Finally, in order to facilitate the analysis of each mission by the TJDG, it would be very useful to receive a flash report from means/teams of inspection deployed by the JDP after the completion of a mission. The structure of this flash report will be decided by the TJDG in 2010.

IV.3.2 Exchange of inspectors

Several missions scheduled within the framework of the 2009 bluefin tuna JDP foreseen the participation of joint inspection teams and mixed teams.

According to the JDP definitions:

- A joint inspection team is made up of two or more ICCAT Inspectors, Community Inspectors or National Fisheries Inspectors from more than one participating MS to carry out sea inspections.
- A mixed team is made up of National Fisheries Inspectors of the Port MS who are in charge of the inspection ashore, in ports, and of farms and traps and of National Fisheries Inspectors from other participating MS who act as observers.

In total, 108 days at sea were carried by joint inspection teams, while mixed teams participated during 111 days of missions ashore. It should be highlighted that all sea missions initially planned to be undertaken with the participation of joint inspection means were implemented by inspectors from more than one Member State. On the contrary, with

respect to land missions, a few of them initially planned to be carried out by mixed teams were eventually carried out by national teams alone.

| 2009 | Scheduled | Undertaken | Percentage |
|-------|-----------|------------|------------|
| LAND | 131 | 111 | 85% |
| SEA | 135 | 108 | 80% |
| TOTAL | 266 | 219 | 82% |

The table below shows the ratio between total activity days and activity days undertaken by joint inspection teams and mixed teams.

| 2009 | Days of joint/mixed teams | Total days of activity | Percentage |
|-------|---------------------------|------------------------|------------|
| LAND | 111 | 202 | 55% |
| SEA | 108 | 267 | 40% |
| TOTAL | 219 | 469 | 47% |

It should be emphasized that according to Article 23 of the 2009 bluefin tuna JDP, inspections at sea in Community waters and in the ICCAT Convention Area shall be conducted as much as possible by joint inspection teams of at least two Community inspectors or by two ICCAT inspectors, respectively. However, several sea inspections were conducted by national teams alone despite the presence of other MS inspectors on board. It would be useful to remind the advantages of having inspections done by joint inspection teams, for instance in terms of transparency, harmonisation of inspections, achieving a level playing field for fishermen and exchange of best practices.

IV.3.3 CFCA Coordinators

The coordinators of the CFCA participated in 7 missions at sea for a total of 44 days. They also took part to 7 land missions (30 days). In total they have achieved 14 missions for a total of 74 days.

According to the nature of the missions, the role of the coordinator was different. In some cases, the role of the coordinator was that of an advisor to the commander of the inspection vessel or the head of the inspection team (on shore). In other cases, usually during missions conducted by less experienced teams, the level of involvement of the coordinator was much more significant.

In general, the participation of the coordinators of the CFCA has been very well received by MS. This participation has resulted in many exchanges and contributed to a better understanding of the role of the CFCA.

V. - Results of control activity

V.1 Overall results

A total of 733 inspections have been implemented throughout 469 activity days in the Atlantic and the Mediterranean within the framework of the 2009 bluefin tuna JDP, of which 282 were done ashore and 451 were implemented at sea. It should be noted that in 2008, the total number of inspections was 382 for a total number of activity days (land and sea) of 640.

As it can be inferred from the figures above, in 2009 the JDP activity days have been much more productive, resulting in much more inspections with less activity days. This positive result is the consequence of various factors, namely:

- Means deployed in a more rationally way due to improved risk analysis.
- Inspectors and means more familiar with JDP procedures as a result of improved regional and national trainings and experience gained last year, amongst other factors.
- Increased flexibility from MS at the time of deploying the means.
- Daily recommendations submitted to the pooled means of inspection which contained the strategy developed during the daily TJDG meetings.
- The TJDG benefit from the presence of national coordinators from all MS involved in tuna fishing.

Another aspect that should be highlighted is the absence of spotting airplanes in 2009. In 2008, the TJDG received information from different sources concerning at least 5 spotting airplanes suspects to work together with purse seiners. Measures such as the one taken by Italy to close the air space from 15th May to 15th June proved to be very effective.

The number of vessels/operators where one or more apparent infringements were detected in 2009 was 92, i.e. 12.5% of the total inspections resulted in the drawing up of a specific report¹⁷. In 2008 it was 55 (14%), i.e. the percentage has slightly decreased.

| 2009 | INSPECTIONS | VESSELS/OPERATORS APPARENT INFRINGEMENT(S) |
|-------|-------------|--|
| LAND | 282 | 18 |
| SEA | 451 | 74 |
| TOTAL | 733 | 92 |

During the implementation of the JDP, both MS and other ICCAT CPCs vessels/operators have been inspected. Land inspections done to MS vessels/operators accounted for almost 97.5% of the total number of land inspections carried out, while sea inspections done to MS vessels accounted for almost 86% of the total number of sea inspections undertaken.

| 2009 | EC MS | ICCAT CPCs | TOTAL |
|------------------|-------------|------------|-------|
| LAND INSPECTIONS | 275 (97.5%) | 7 (2.5%) | 282 |
| SEA INSPECTIONS | 386 (86%) | 65 (14%) | 451 |
| TOTAL | 661 (90%) | 72 (10%) | 733 |

The reason for this difference might be the fact that the majority of fishing vessels (mainly purse seiners) from other ICCAT CPCs vessels remain during most part of the fishing period in waters that are not accessible to MS inspection means (territorial waters or fishery protection zones). As well, the deployment of the means of inspection is very much based on the fishery pattern of the Community fleet and only when Community fleet and third country fleets overlap across time and space there is the opportunity for JDP means of inspection to inspect those third country vessels.

Concerning the vessels/operators where one or more apparent infringements were detected, 51 (55%) were from the EC and 41 (45%) from other ICCAT CPCs.

¹⁷ After receipt of inspection documents related to an infringement, the TJDG establishes a specific report and transmits it to the flag MS and to the EC.

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| 2009 | EC MS | ICCAT CPCs | TOTAL |
|---|----------|------------|-------|
| VESSELS/OPERATORS APPARENT INFRINGEMENT(S) | 51 (55%) | 41 (45%) | 92 |

However when the number of vessels/operators where one or more apparent infringements were detected is compared against the number of inspections, the result is that 8% of the inspections made to EC vessels/operators resulted in the drawing up of a specific report, compared to 59% in other ICCAT CPCs vessels/operators.

| 2009 | EC MS | ICCAT CPCs |
|---|-------|------------|
| INSPECTIONS | 661 | 72 |
| VESSELS/OPERATORS APPARENT INFRINGEMENT(S) | 51 | 41 |
| % | 8% | 57% |

From these figures, it could be concluded that EC vessels/operators are more compliant with regulations than other ICCAT CPCs vessels/operators. Such a high percentage of infringements detected in other ICCAT CPCs vessels/operators could reflect a rather lax implementation of the ICCAT bluefin tuna multiannual recovery plan by several ICCAT CPCs as well as a significant unawareness of ICCAT rules by skippers. Therefore, initiatives to reinforce cooperation with other ICCAT CPCs such as the training meeting organised by the EC on 15 April 2009 should be pursued.

During the meetings of the SG it was stressed several times the need to improve the drafting of the inspections reports. It would be very important that in addition to inspection reports, particularly when infringements are detected, inspectors make additional statements describing the infringements, explaining clearly the facts and making reference to appropriate articles of the legislation.

V.2 Distribution of control by FAO Subareas/Divisions

An analysis concerning the number of inspections made in each of the FAO Subareas/Divisions has been implemented. If land inspections are considered, 40% were done in the Western Mediterranean (mainly in the Sardinia and Gulf of Lions Division), 39% in the Central Mediterranean (similar percentage for both Ionian and Adriatic subareas), 10% in the Eastern Mediterranean (similar percentage for both Aegean and Levant subareas), and 10% in the Eastern Atlantic (ICES subarea VIII).

With regards to sea inspections, 52% were done in the Western Mediterranean (mainly in the Sardinia and Balearic subareas), 28% in the Central Mediterranean (mainly in the Ionian subarea), 8% in the Eastern Mediterranean (all of them in the Levant subarea) and 12% in the Eastern Atlantic (ICES subarea VIII).

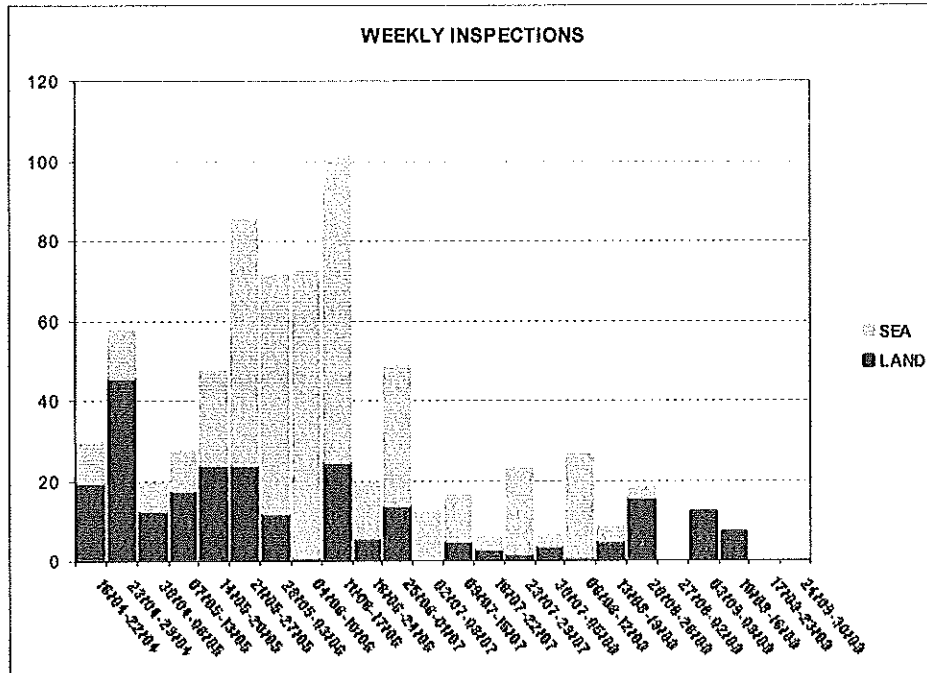
| FAO Area/Subarea | LAND | SEA | TOTAL | LAND % | SEA % | TOTAL % |
|-----------------------------|------|-----|-------|--------|-------|---------|
| Balearic (WM - 37.1.1) | 12 | 109 | 121 | 4% | 24% | 17% |
| Gulf of Lions (WM - 37.1.2) | 29 | 18 | 47 | 10% | 4% | 6% |
| Sardinia (WM - 37.1.3) | 73 | 107 | 180 | 26% | 24% | 25% |
| Subtotal Western Med | 114 | 234 | 348 | 40% | 52% | 47% |
| Adriatic (CM - 37.2.1) | 55 | 27 | 82 | 20% | 6% | 11% |
| Ionian (CM - 37.2.2) | 56 | 98 | 154 | 20% | 22% | 21% |

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| | | | | | | |
|----------------------|-----|-----|-----|------|------|------|
| Subtotal Central Med | 111 | 125 | 236 | 39% | 28% | 32% |
| Aegean (EM - 37.3.1) | 19 | 0 | 19 | 7% | 0% | 3% |
| Levant (EM - 37.3.2) | 10 | 36 | 46 | 4% | 8% | 6% |
| Subtotal Eastern Med | 29 | 36 | 65 | 10% | 8% | 9% |
| Subtotal Eastern Atl | 28 | 56 | 84 | 10% | 12% | 11% |
| TOTAL | 282 | 451 | 733 | 100% | 100% | 100% |

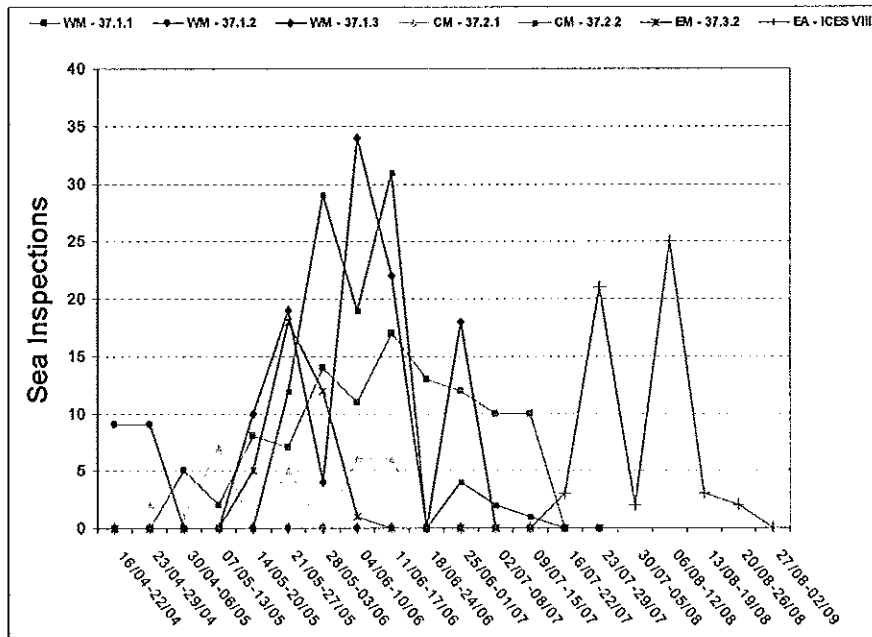
V.3 Distribution of control throughout the campaign

The total number of inspections per week is illustrated in the following table.



The period from 15th May to 15th June accounts for 51% of total inspections. If only sea inspections are considered, 64% were implemented during the former period. During this period the bulk of the purse seiners catches were made.

It is also interesting to analyse the number of sea inspections per week by FAO Division, since as it has already been discussed in the fishing pattern section, the activity of the fleet differs with time and geographical area.



As it can be seen in the above chart, inspections at sea started during the second week of April in the Gulf of Lions (FAO Division 37.1.2) when some French longliner and gillnetters were operating. In the Adriatic Sea (FAO Division 37.2.1), control started during the third week of April, when some Italian purse seiners started to operate. The number of inspections remained relatively low in all the subareas until mid May since the purse seiners' fishing season was not yet at its peak. During the third week of May the control campaign fully started in the Eastern and Western Mediterranean. At the beginning of June, when the fishing season for the purse seiners in the Eastern Mediterranean was already over, the inspections were concentrated mainly in the Ionian (FAO Division 37.2.2) and Balearic (FAO Division 37.1.1), which is consistent with the large number of purse seiners and tugs present in these areas. Following the closure of the fishing season for the purse seiners the number of inspections decreased to mainly focus on tugs and caging activities in Sardinia (FAO Division 37.1.3), Ionian (FAO Division 37.2.2) and Balearic (FAO Division 37.1.1).

In general terms, it could be stated that the JDP Schedule agreed by the SG matched very well with the fishing pattern observed in 2009 and already described in a previous section.

After mid July with the start of the fishing season for bait boats and pelagic trawlers in the Atlantic, the control campaign shifted to ICES VIII.

V.4 Distribution of control by type of vessels/operators

The following table shows the inspections done per type of vessel/operator both for MS and other ICCAT CPCs. With regards to fishing vessels the table below shows that purse seiners (26.7%), tugs (18.7%) and longliners (23.5%) have been the main objective of the JDP inspections, which is consistent with the overall strategy set by the SG and with the relative importance in terms of catches of each segment of the fishery.

With regards to the vessels/operators where one or more apparent infringements were detected, most of them were detected in purse seiners (29.3%) and tugs (48.9%). When we analyse the ratio apparent infringement(s)/inspections for each type of vessel/operators, it is interesting to notice that by far the highest ratio of apparent infringement(s)/inspections occurs in tugs (almost 33% of the tugs inspected had committed at least one apparent infringement).

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| Land&Sea | FARM | OTHER LAND* | PS | TUG | AUX | LL | OTHER FV | TOTAL |
|--|------|-------------|-------|-------|------|-------|----------|-------|
| INSPECTIONS | 31 | 49 | 196 | 137 | 21 | 172 | 127 | 733 |
| % | 4.2% | 6.7% | 26.7% | 18.7% | 2.9% | 23.5% | 17.3% | 100% |
| VESSELS/OPERATORS APPARENT INFRINGEMENT(S) | 0 | 5 | 27 | 45 | 2 | 12 | 1 | 92 |
| % | 0.0% | 5.4% | 29.3% | 48.9% | 2.2% | 13.0% | 1.1% | 100% |

*Other land includes traps, markets, supermarkets, trucks and restaurants. Other fishing vessels include baitboats, pelagic trawlers, trawlers and gillnetters).

When only land inspections are considered, the percentage of inspections made to purse seiners and longliners accounted for 47% of total land inspections. Longliners accounted for approximately 39% of the total number of vessels/operators where one or more apparent infringements were detected.

| Land | FARM | OTHER LAND* | PS | TUG | LL | OTHER FV | TOTAL |
|--|-------|-------------|-------|------|-------|----------|-------|
| INSPECTIONS | 31 | 49 | 59 | 13 | 74 | 56 | 282 |
| % | 11.0% | 17.4% | 20.9% | 4.6% | 26.2% | 19.9% | 100% |
| VESSELS/OPERATORS APPARENT INFRINGEMENT(S) | 0 | 5 | 4 | 1 | 7 | 1 | 18 |
| % | 0.0% | 27.8% | 22.2% | 5.6% | 38.9% | 5.6% | 100% |

*Other land includes traps, markets, supermarkets, trucks and restaurants. Other fishing vessels include auxiliary, baitboats, pelagic trawlers, trawlers and gillnetters).

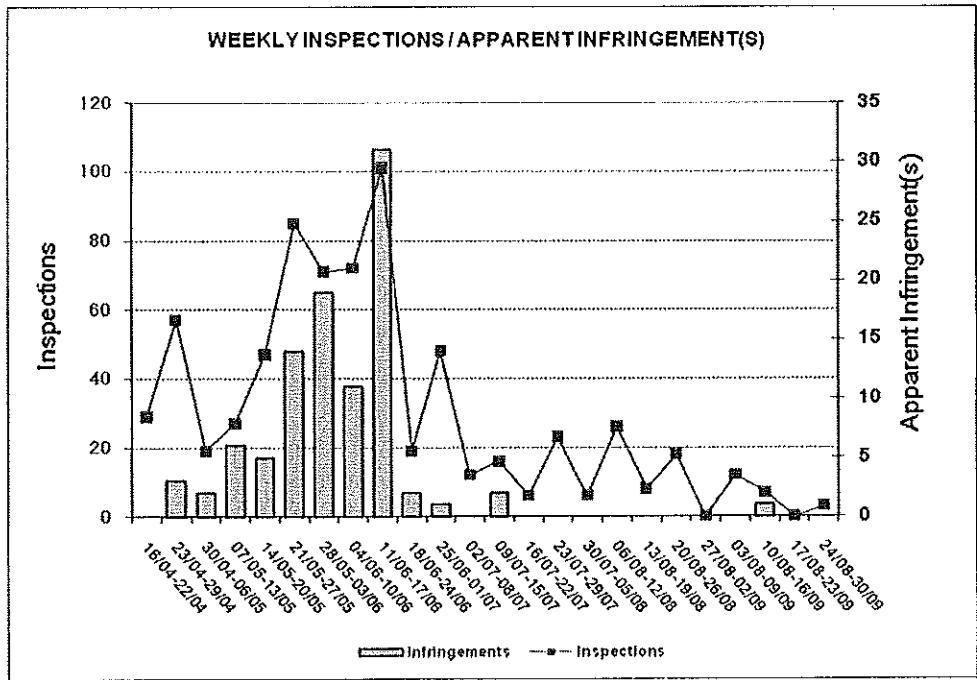
If we consider sea inspections alone, the percentage of inspections made to vessels engaged in the purse seine fishery (purse seiners, tugs and auxiliary vessels) is even higher. They account for 60% of total sea inspections, which again is consistent with the strategy set by the SG during the implementation of the JDP and with the importance of the purse seine tuna fishery. It could therefore be concluded that the means deployed at sea have followed the strategy set by the SG and the daily recommendations transmitted by the TJDG. The percentage of longliners inspected at sea is still quite important. However, longliners were mainly inspected when the purse seine fishery had not yet started or when it was already over. In addition, longliners, contrary to purse seiners, usually land their catches and therefore can be inspected when landing their catches in MS ports.

| Sea | PS | TUG | AUX | LL | OTHER FV* | TOTAL |
|--|-----|-----|-----|-----|-----------|-------|
| INSPECTIONS | 137 | 124 | 14 | 98 | 78 | 451 |
| % | 30% | 27% | 3% | 22% | 17% | 100% |
| VESSELS/OPERATORS APPARENT INFRINGEMENT(S) | 23 | 44 | 2 | 5 | 0 | 74 |
| % | 31% | 59% | 3% | 7% | 0% | 100% |

*Other fishing vessels include auxiliary, baitboats, pelagic trawlers, trawlers and gillnetters).

V.5 Distribution of apparent infringement(s) throughout the campaign

An analysis has been done concerning the evolution with time of the number of vessels/operators where one or more apparent infringements were detected and in relation to the number of inspections. One could envisage that apparent infringement(s) should decrease with time, since the pressure effected by the presence of the means at sea and ashore would act as a deterrent to the fishermen. However, from the chart below it looks like the number of vessels/operators where one or more apparent infringements were detected is mostly related to the number of inspections and the number of vessels at sea. The fact that the fishery is concentrated in a very short time period (2-3 weeks) is maybe the reason to not allow the fleet to react to the presence of the patrol means.



V.6 Type of apparent infringement(s)

The tables below arrange the apparent infringement(s) by their type, for both MS and other ICCAT CPCs, and disaggregated for both sea and ashore missions.

According to the bluefin tuna JDP text (Annex III, Section 8) "after receipt of inspection documents related to an infringement, the TJDG establishes a specific report and transmits it to the flag MS and to the EC". As it has been repeatedly pointed out throughout the report the so-called apparent infringement(s) in this report refer to vessels/operators where one or more apparent infringements were detected and not individual infringements themselves. In fact, a number of specific reports contain more than one apparent infringement. In the table below, only the most serious of the reported apparent infringements in each specific report has been taken into account.

From the tables it can be assumed that more than 50% of the specific reports were related to the lack or incomplete documentation, especially concerning transfer declarations and BCDs.

Concerning VMS, an improvement has been observed in VMS reports' transmission throughout the fishing period. In several cases, the drawing up of specific reports made by inspectors at sea, lead to the subsequent reception of the VMS reports by the TJDG.

With regards to vessels not included in the bluefin tuna 2009 ICCAT lists, most of them were flagged to other ICCAT CPCs. Following the issuance of the specific reports, all vessels were subsequently included within those lists. According to the ICCAT CPC concerned, those vessels were reported to ICCAT in due time, and therefore no infringement was committed.

| SPECIFIC REPORTS BY SEA MISSIONS | EC MS | ICCAT CPCs | TOTAL |
|----------------------------------|-------|------------|-------|
| Vessels not in ICCAT list | 1 | 8 | 9 |
| VMS | 6 | 7 | 13 |
| No fishing permits | 1 | - | 1 |
| Fishing during a closed season | 3 | - | 3 |

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| | | | |
|------------------------------------|----|----|----|
| Transshipment at sea | - | 3 | 3 |
| Documents (transfer, logbook, BCD) | 23 | 22 | 45 |
| Total | 34 | 40 | 74 |

| SPECIFIC REPORTS BY LAND MISSIONS | EC MS | ICCAT CPCs | TOTAL |
|-------------------------------------|-------|------------|-------|
| No fishing permits | 2 | - | 2 |
| Catch reporting | 5 | - | 5 |
| Documents (transfer, logbook, BCD) | 6 | 1 | 7 |
| By-catch exceeding 5% | 3 | - | 3 |
| Marketing in recreational fisheries | 1 | - | 1 |
| Total | 17 | 1 | 18 |

As it has already been discussed in a previous section, a large number of apparent infringement(s) by tugs were detected. It is interesting to underline that most of the tugs apparent infringements were related to incomplete documentation, especially regarding transfer declarations and BCDs. In several cases the apparent infringement had its origin in an incomplete documentation delivered by the purse seiner (or by a previous tug) to the tug in question (for instance no transfer authorization number, no farm of destination etc). In these cases, it would be necessary that MS inspectors investigate and clarify whether an infringement has been committed by the vessels previously involved in the transfer and take appropriate actions.

VI - Conclusions and recommendations

In general it can be asserted that during 2009 monitoring and control of bluefin tuna fisheries has improved significantly. This is the result of the improvement in several topics such as: new regulations, risk assessment, training, operational coordination, VMS data and inspections quality.

MS have made a substantial effort in terms of pooling of means to control and monitor bluefin tuna fishing activities, committing to the JDP a significant amount of resources. The pooling of inspection means in term of areas surveyed and days of activity has taken place according to the JDP Schedule agreed by the SG.

The coordination by the TJDG of the deployment of inspection means (sea and air) and the exchange of inspectors between MS during the implementation of the 2009 bluefin tuna JDP can be considered as remarkable. The presence within the TJDG of National Coordinators from all MS actively fishing for bluefin tuna was decisive for a better operational coordination.

As well, the establishment of the Data Monitoring Centre and the reception of VMS through https from MS and ICCAT have significantly improved the basis for a better coordination. However, improvements in VMS reporting by MS tugs and by some ICCAT CPCs are still needed. Information about transfer authorisations and catches from purse seiners could be very useful for both issuing daily recommendations to inspection means at sea and conducting inspections.

The TJDG receives daily information on control and inspection activities as well as on fishing activities. The development of a suitable information system to facilitate the storage of this information and its analysis will extremely simplify the work of the TJDG.

As a consequence of better planning of the resources allocated/deployed and thanks to an improved risk assessment it was possible to reduce the activity deployed in 2009 with respect to 2008. Control results in terms of number of inspections have significantly improved. The deployment of means in time and space was consistent with the 2009 fishing pattern and therefore monitoring and control has been very effective.

The quality of the inspections has also improved thanks to the effort made by the CFCA and MS in the training of the inspectors. As well the number of people trained has increased. However, it has been noticed that there is still room to improve the quality of the inspections reports. Special attention should be paid to these issues when preparing the programme for future trainings. National trainings should include both theoretical and practical sessions. They might be complemented with on the job training in each country at the beginning of the campaign to allow new inspectors to get familiar with bluefin tuna regulations and inspection procedures.

As it happened in 2008, the deployment of joint inspection teams and mixed teams has been very much appreciated by inspectors. However, in order to maximize the benefit from this exchange of best practices it would be preferable that all inspectors participating in joint missions attended national bluefin tuna trainings organised during the same year.

The participation of the coordinators of the CFCA has been very well received by MS and should be maintained.

Flexibility in terms of deployment of the means (vessel and airplanes) as well as in the deployment of land missions will certainly improve the efficiency of the JDP, both in terms of results and economical costs.

If compared with 2008, the ratio of the number of vessels/operators where one or more apparent infringements were detected against total number of inspections has slightly decreased. The analysis of the infringement shows that EC vessels/operators might be more compliant with regulations than other ICCAT CPCs vessels/operators.

Most of the apparent infringements were related to the lack or incomplete documentation, especially concerning transfer declarations and BCDs. It has been noticed that several apparent infringements had their origin in incomplete documentation delivered by the purse seiner catching the fish (or by a previous tug) to the tug. In these cases, it would be appropriate that MS investigate and clarify whether an infringement has been committed by these vessels previously involved in the transfer and take appropriate actions.

Most of the aspects that have contributed to an improved monitoring and control of bluefin tuna fisheries in 2009 such as transparency, harmonisation, training, operational coordination will be maximized with the chartering of a joint EU fisheries inspection vessel to be present in the Mediterranean in 2010. In addition, it would allow the JDP to cover the fishing activities in the Central and Eastern Area of the Mediterranean in a more economical way, it would permit the TJDG to have the operational command of the vessel and it would possibly survey areas that presently are not accessible to MS inspection means.

Finally, it should be highlighted that in 2009, no spotting airplanes for bluefin tuna have been observed in the Mediterranean.

Assessment report 4: JDP NAFO RA

1. Legal Basis

The Northwest Atlantic Fisheries Organisation's (NAFO) Contracting Parties are: Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russian Federation, Ukraine and the United States of America.

The inspection and control is organised through a Joint Inspection and Surveillance Scheme as established by NAFO. Contracting Parties having more than 15 fishing vessels operating simultaneously in the NAFO Regulatory Area (RA), are obliged to have a competent authority in the NAFO Conventional Area (CA) or in a country adjacent to the NAFO CA. The European Union is fulfilling this obligation by the presence of a joint inspection team, on board of a chartered EU inspection vessel or a national EU inspection vessel, in the NAFO area.

The following Community Regulations are applicable;

- Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation¹⁸.
- Council Regulation (EC) No 2115/2005 of 20 December 2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation.
- Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required¹⁹.

Since 2007, the CFCA coordinates the EU inspection and surveillance activities in accordance with Article 8-9 of Regulation (EC) No 768/2005, in the NAFO RA.

The Decision No 2008/47 of the Executive Director of the CFCA of 16 December 2008 established a Joint Deployment Plan for 2009, to fulfil the obligations of the European Community under the Joint Inspection and Surveillance Scheme for the NAFO RA.

¹⁸ OJ L 318, 5.12.2007, p. 1. Regulation as last amended by Regulation (EC) No 679/2009 (OJ L 197, 29.7.2009, p. 1).

¹⁹ OJ L 22, 26.01.2009, p. 1

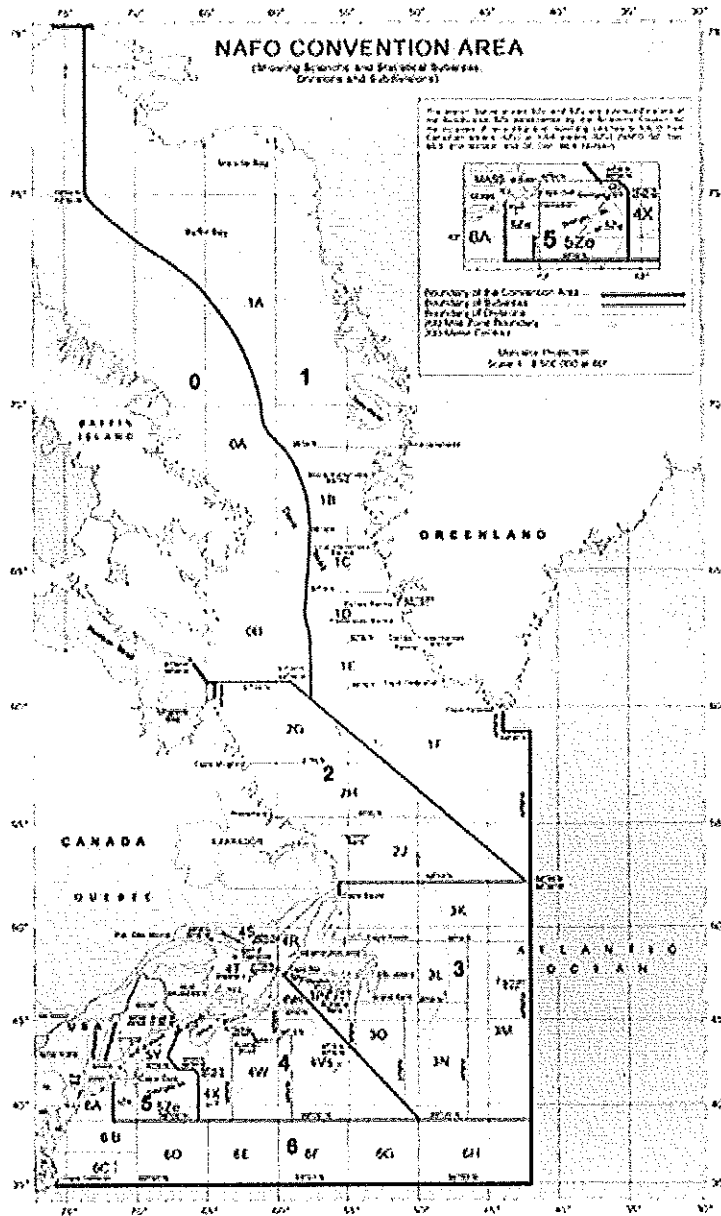
2. The NAFO Fisheries In 2009

The European Union fleet has been the biggest player in NAFO fisheries for many years. Table 1 provides a comparison between 2008 and 2009 of the presence of EU fishing vessels in the area

| MS | Vessels | | Days in the area | |
|--------------|-----------|-----------|------------------|-------------|
| | 2008 | 2009 | 2008 | 2009 |
| ES | 14 | 17 | 1493 | 1537 |
| PT | 10 | 11 | 1259 | 1749 |
| EE | 6 | 4 | 1257 | 496 |
| LT | 3 | - | 149 | - |
| LV | 2 | 2 | 173 | 171 |
| Total | 35 | 34 | 4331 | 3953 |

The presence of EU fishing vessels in NAFO RA continued to decrease in 2009 after significant decline in 2008: in 2007 the number of EU fishing vessels operating in the NAFO RA was over 15 during 141 days; in 2008 for 39 days and in 2009 for 30 days.

The main species targeted in the area are Greenland halibut in Divisions 3LMN, redfish in Divisions 3MO, skates in Division 3N and shrimp in Divisions 3LM.



Spanish and Portuguese vessels have targeted mainly Greenland halibut, redfish and skates in Divisions 3LMNO, Estonian and Latvian vessels are mainly fishing for shrimp in Divisions 3LM.

Although vessels are present in the area throughout the year, the fishing activity changes according to weather conditions, season and quota availability for individual Member States. Based on the information of the fishing activity in 2007, 2008 and 2009, two main fishing periods can be defined in the NAFO RA, the first one from the middle of February until the end of April and a second one from the middle of July to mid September.

During the three previous years the number of EU fishing vessels present in the area had exceeded 15 during the two indicated periods, being below 15 during the rest of the year.

3. Planning of The JDP

3.1. Objectives and strategy

The Community Strategy is to deploy the means of control, inspection and surveillance pooled by the Member States concerned in a rational manner to ensure in general:

- compliance with the control, inspection and surveillance obligations of the European Community under Article XI (5) of the NAFO Convention by Community fishing vessels at sea and in Community ports;
- equal treatment, in terms of control, inspection and surveillance in the NAFO R.A., between all Contracting Parties with fishing vessels operating in the NAFO R.A.; and
- surveillance of all non-Contracting Party fishing vessels engaged in IUU fishing in the NAFO R.A. and monitoring of all possible landings by these fishing vessels and vessels engaged in transshipping with these non-Contracting Party fishing vessels.

For 2009, the benchmarks for the inspection activities adopted by the TJDG were as follows:

Objectives for the NAFO sea campaigns

| | |
|---------------------------|--|
| <p>Objective 1</p> | <p>Vessels operating in other RFMO</p> <ul style="list-style-type: none"> • For EU fishing vessels which have been operating in other fishing grounds (NEAFC) before entering the NRA, particular attention should be drawn to the cargo separation and labelling of the fish cartons. • To verify the new provisions of Art. 8 of the NAFO CEM 2008 – check point for vessels entering the NRA with more than 50 tons of fish on board. <p>Legal reference: NAFO CEM Jan/2008 – Chapter I Article 8 and Chapter III Article 23.5 a).</p> |
| <p>Objective 2</p> | <p>Hailing system</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the hailing system. • To verify the use of the new CAT message for the shrimp fishery in Division 3L. <p>Legal reference: NAFO CEM Jan/2008 - Chapter III Article 26.</p> |
| <p>Objective 3</p> | <p>VMS</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the VMS obligations. <p>Legal reference: NAFO CEM Jan/2008 - Chapter III Article 25.</p> |
| <p>Objective 4</p> | <p>Shrimp fishery</p> <ul style="list-style-type: none"> • To verify the use of daily reports of catches in Division 3L. <p>Legal reference: NAFO CEM Jan/2008- Chapter III Article 24.4.</p> |
| <p>Objective 5</p> | <p>Fleet compliance</p> <ul style="list-style-type: none"> • To conduct inspections and surveillance of the fishing fleet operating inside the NRA and specially: <ul style="list-style-type: none"> ➤ to assess the level of compliance with the rules of Articles 11 - (By-catch requirements) and 37 – (Enhanced follow-up for certain serious infringements); ➤ to check the compliance with the new Article 15 (Coral Protection Zone in Division 3O). <p>Legal reference: NAFO CEM Jan/2008 Articles 11 and 37 and Council Regulation (EC) No. 1386/2007.</p> |



| | |
|---------------------------|--|
| <p>Objective 6</p> | <p>Greenland Halibut Rebuilding plan:</p> <ul style="list-style-type: none"> • Monitor the GHL catches of the fishing fleet operating inside the NRA and in particular: <ul style="list-style-type: none"> ➤ to collect data from fishing logbooks and observed catches of hauls for EU vessels targeting GHL. Compare these catches with GHL catches of other Member States fishing vessels operating in the same area; ➤ to check the days fishing for GHL and catch composition of observed tows; ➤ to verify compliance of the rules and conditions of the Greenland Halibut Rebuilding Plan - (EC) No 2115/05; ➤ to verify the compliance with the new provisions of Article 8 of NAFO CEM 2008 (checkpoint); ➤ to verify the compliance with the new provisions of Article 7.6 (catch reporting); ➤ to verify if the provisions of CEM Article 22 – Product Labelling requirements – and the European Commission's letter No. D 01505 of 12.02.2008 are observed. <p>Legal reference: NAFO CEM Jan/2008, article 7 and 8 and Council Regulations (EC) No. 1386/2007, 2115/05 and 40/2008.</p> |
| <p>Objective 7</p> | <p>Monitoring the Shrimp fishery</p> <ul style="list-style-type: none"> • Monitor the shrimp fishery in Divisions 3M/3L and in particular: <ul style="list-style-type: none"> ➤ to verify if the provisions of CEM Article 22 – Product Labelling requirements are observed. <p>Legal reference: NAFO CEM Jan/2008 Article 22.</p> |

3.2 Risk analysis

- Risk analysis is used to support both the yearly planning of the campaign and the daily operations on the spot.
- The yearly planning of the campaign is done jointly by the NAFO JDP steering group based on a previous analyses by the CFCA of data from different sources: VMS data, hail messages from fishing vessels, logbooks, reports of previous inspections and inspection presence in the NAFO RA. By doing so, the areas and periods of important fishing activity could be identified.
- The daily operational planning is carried over by the National inspectors and CFCA coordinator on board of the patrol vessel in the area, based on the current fishing activity, the quota status and the results of the previous inspections. The frequency of boarding's of each fishing vessel and group or nationality were monitored during the campaign in order to guarantee a non discriminatory approach.

4. Implementation of the JDP

The JDP was implemented in the form of a joint campaign at sea, divided in different legs. Joint teams of inspectors were placed on board of inspection platforms. Each team should consist of two inspectors from the different Member States. Each leg was coordinated by a CFCA coordinator.

Moreover, landing inspections by mixed teams might be considered if appropriate.

To support these activities, a training seminar for Community NAFO Inspectors was organised by the CFCA in Spain.

4.1 Deployment and pooling of means

All Member States have deployed the inspection and control means in accordance with the JDP planning.

| | NAFO |
|------------------------------------|------|
| Member States involved | 9 |
| Campaign days | 243 |
| Patrol vessels deployed (sea days) | 165 |
| Inspectors (joint teams, at sea) | 24 |
| Inspectors (mixed teams, ashore) | 6 |

The participation of the individual Member States in the 2009 NAFO Campaign was based on the agreed criteria fixed in the JDP and took into account MS quotas, catches and days present of Member States' vessels in the NAFO RA in 2006 and 2007.

In 2009 the CFCA was the facilitator for the chartering of the Joint Inspection platform 'Jean Charcot' and, through the implementation of the charter contract, providing PT, EE, LT, LV and PL with a solution for fulfilling their responsibilities in the framework of NAFO inspection.

For 2009 the following legs for sea campaigns were agreed with the Member States:

| No | Period | Vessels | Inspectors |
|----|-------------|-------------------------|-------------|
| 1 | 11/02-02/03 | chartered, Jean Charcot | 1 LV + 1 EE |
| 2 | 02/03-22/03 | chartered, Jean Charcot | 1 ES + 1 DE |
| 3 | 22/03-10/04 | chartered, Jean Charcot | 1 LT + 1 PT |
| 4 | 10/04-30/04 | chartered, Jean Charcot | 1 ES + 1 UK |
| 5 | 30/04-19/05 | chartered, Jean Charcot | 1 ES + 1 EE |
| 6 | 13/05-27/05 | German, Seeadler | 1 DE + 1 LV |
| 7 | 09/06-28/06 | chartered, Jean Charcot | 1 PT + 1 LT |
| 8 | 28/06-17/07 | chartered, Jean Charcot | 1 ES + 1 PT |
| 9 | 17/08-07/09 | Spanish, Alboran | 1 ES + 1 PT |
| 10 | 07/09-28/09 | Spanish, Alboran | 1 ES + 1 PT |
| 11 | 28/09-19/10 | Spanish, Tarifa | 1 ES + 1 EE |
| 12 | 19/10-10/11 | Spanish, Tarifa | 1 ES + 1 FR |

The quality of the available sea inspection means seems to be adequate. Vessels used for sea campaigns in 2009 were suitable for inspection and surveillance activities in the North Atlantic – can stay out for longer periods and are adequately equipped.

Participation of MS inspectors was satisfactory and according to plan (see table below):

| MEMBER STATE | No. of inspectors deployed |
|---------------------|-----------------------------------|
| ESTONIA | 4 |
| FRANCE | 1 |
| GERMANY | 2 |
| LATVIA | 2 |
| LITHUANIA | 2 |
| PORTUGAL | 5 |
| SPAIN | 8 |
| UK | 1 |

4.2 Operational coordination

Campaigns were coordinated on scene by the CFCA coordinator on board the fisheries patrol vessel in the NAFO RA in close cooperation with the joint inspection team present.

Each boarding was preceded by a briefing and a screening of the fishing vessel's inspection and fishing history.

Upon return of the boarding party the inspectors systematically briefed the coordinator on their findings. In addition the paperwork (i.e. inspection report and copies of the log sheets) were scrutinised.

Taking into account that the NAFO RA covers approximately 50,000 square nautical miles of fishable grounds outside the 200-mile limit, VMS data received on board the patrol vessels is of crucial importance for targeting inspections in the area.

The VMS data was received on a daily basis through FISH TELECOM (DG MARE) during most of the legs, with the exception of limited periods of communication break down, making the location of fishing vessels in the NAFO RA difficult or even impossible.

CFCA coordinators compiled reports covering activities of the vessels fishing in the area, results of boardings, cooperation with other parties and coordination of the mission. The recording and exchange of inspection activity details during a leg was satisfactory. Copies of these reports were also forwarded to DG MARE and the Technical Joint Deployment Group.

Exchange of information with other inspection vessels present in the NAFO RA was good and was performed on a daily basis.

5. Results of the JDP

5.1 Inspection activity

| | |
|-----------------------------------|----|
| • Inspections in NAFO RA | 73 |
| • Infringements in NAFO RA | 5 |
| • Port inspections by mixed teams | 1 |

The inspection and surveillance activities concentrated on vessels fishing for regulated species and in the areas where these species are most likely caught. The two main fishing areas for the EU fleet in the NAFO RA are the 'Flemish Cap' and the 'Tale of the Bank'. As the distance between these areas is over 200 nautical miles, a good quality operational planning is needed in order to ensure a cost-effective and efficient use of resources.

With an average of approximately 6 sea inspections per leg the overall result of the inspection activity during the 2009 NAFO JDP ads up to 73 sea inspections.

The individual result of NAFO campaigns is dependent of a number of different factors:

- the number of patrol vessels in the NAFO RA at a given time. Taking into account the relatively small and static NAFO fishing fleet, which is easily detectable through the availability of VMS data on board patrol vessels, can result in a very high frequency of inspections on board fishing vessels (i.e. once per week) when a high number of inspection platforms is active in the area. This makes the group of vessels to target for inspection very small, taking into account a reasonable inspection frequency;
- bad weather conditions during many legs have negatively influenced the number of inspections in those individual legs. In some cases boarding operation had to be aborted for safety reasons;

Five suspected infringement were detected by the inspection teams in 2009 on 3 fishing vessels:

- two for failure to record catches on daily basis in accordance with the requirements of Article 24 paragraph 2 of the NAFO Conservation and Enforcement Measures (NAFO CEM);
- one vessel stated being fishing in the Division different to this indicated by VMS data;
- on another vessel a five time difference was found during the inspection between the quantities of fish caught declared in the logbook and the production stored in the hold;

- one for failure to comply with the product labelling requirements as described in Article 23 of the NAFO CEM – labels on the production of the vessel concerned did not clearly indicate the species of the fish in 3-Alpha Code and were not marked as being caught in the NAFO Regulatory Area;
- one for failure to comply with the vessel requirements of Article 21 paragraph 3 of the NAFO CEM – vessel concerned had one fish room not described in the capacity plan. This fish room was equipped with freezers and refrigerators to be used for fish storage;
- one for failure to meet the stowage plan requirements in accordance with the Article 24 paragraph 6 of the NAFO CEM – stowage plan of the vessel concerned did not show the location and quantities of the different species in the holds.

On its January 2009 meeting, the Technical Joint Deployment Group discussed the coordination of landing inspections of NAFO vessels with mixed inspection teams. As a result, one mixed team was deployed in 2009, in the port of Vigo, Spain with participation of 2 Estonian and 4 Spanish inspectors.

a) Detailed Inspection activity table

Place a table with nr of inspections per MS , infringements per MS

| DETAILED SUMMARY OF INSPECTIONS PER FLAG STATE | NO. OF INSPECTIONS | NO. OF INFRINGEMENTS |
|--|--------------------|----------------------|
| ESP | 26 | 2 (one vessel) |
| PRT | 31 | - |
| EST | 3 | - |
| LVA | 3 | 1 |
| FOR | 5 | 2 (one vessel) |
| FRO | 4 | - |
| CAN | 1 | - |

b) Overview of infringements detected

| NATURE OF SUSPECTED INFRINGEMENT | NO. OF CASES. AT SEA |
|---|----------------------|
| Recording of catches | 2 |
| Stowage plan | 1 |
| Product labelling requirements | 1 |
| Vessel requirements (updated description of fish rooms) | 1 |

5.2. Training of inspectors

a. Venue and organisation

In December 2008 a training seminar, initially planned for January 2009, was organised by the CFCA in cooperation with the Spanish inspection authorities, for national inspectors to be deployed in the NAFO RA in 2009.

From 8 till 12 December 2008, the training was organised in the Escuela Marítima Bamió (Vilagarcía de Arousa). Commission representatives assisted to this meeting.

b. Attendees

40 participants from 10 Member States attended the course: EE: 5, ES: 17, DE:1, DK:1, FR:1, LV: 4, LT: 3, PL: 2, PT:5, UK: 1.

c. Agenda and programme

The modular course covered the following issues:

- Role of CFCA Coordinators
- Guidelines for NAFO Inspectors
- History - UNCLOS III – RFMO's
- NAFO Organisation - Conventional area – Regulatory area
- Contracting Parties -EU-CFCA-Commission - Council
- JDP's and their implementation
- Port State Control - landing control
- NAFO CEM and amendments agreed during NAFO annual meeting
- NAFO CEM - (Documentation - labelling – by-catches Communication of hail and VMS Messages)
- NAFO CEM – (Inspection procedures and reports - Infringement reports and transmission of reports – IUU)
- NAFO CEM - (Holds on board - Volume, production inspection procedures)
- Analysis and VMS
- Practical exercises – calculation of catch composition and by-catches

d. Evaluation

The main objective of the training seminar was to ensure a harmonised interpretation and implementation of the NAFO rules including any new decisions which had been taken during the NAFO annual meeting. This objective was successfully met.

The course took into account comments on the feedback asked at the end of the previous training course. Compared to the training in the January 2008, the rates for the December training are remarkable higher that definitely shows increase in participant's satisfaction with the training.

The main concerns of participants were the duration of the course (too long) and the lack of practical exercises, which should be taken into account when planning next trainings.

6. Conclusions

The 2009 NAFO Campaign has contributed to the uniform and harmonised application of the conservation and enforcement measures in the NAFO RA and inspection procedures performed by the different national 'NAFO' inspectors through training of inspectors, exchange of best practices, harmonised inspection procedures and the deployment of mixed inspection teams and on scene coordinators.

Indeed, steered and coordinated by the on scene coordinator on board the inspection platform the NAFO Campaign was more efficiently targeted in accordance with the fishing activity at a given time in the area.

In addition, in that way, the quality of the control activities could be guaranteed.

In summary, we can conclude that:

- A Joint deployment Plan has allowed for the fulfilment with the obligations of the EU as a Contracting Party to NAFO.
- In 2009 the CFCA was the facilitator for the chartering of the Joint Inspection platform 'Jean Charcot' on behalf of some MS.
- The training seminar, proved to be an important tool to improve the effectiveness of community inspectors deployed in NAFO. It should however be stressed that, in order to ensure efficiency of joint teams, the inspectors deployed require an adequate level of experience. Member States should refrain from deploying inspectors which have limited experience and/or have not followed a specific NAFO course.
- A risk management approach was applied to plan and run the campaign, allowing for a more cost-effective fulfilment of benchmarks and objectives.



- The presence of the CFCA coordinator also enhanced the cooperation with other contracting parties having inspection means in the area (i.e. Canada), which resulted in a good and close cooperation and better mutual understanding.
- The deployment of joint boarding teams was considered of paramount importance for the success of joint sea inspection operations. In addition, having available native speaking inspectors of the Member States which fishing vessels are active in the NAFO area, improves the communication and effectiveness of inspections on board those vessels.
- The CFCA and MS considered port inspection by mixed team as a success, for the promotion of best practices and the development of standardised methodologies for landing inspections. The Technical Joint Deployment Group agreed that port inspections by mixed teams shall be further developed in 2010 taking into account best practise in other areas. However, there is a need for clarification on the roles and rights of observing inspectors and usage of the information collected by them.

7. Compliance 2010

For next campaigns, the mains aspects identified for guiding the inspection activities are:

Overall objective

To conduct inspections at sea in order to assess compliance by EU and other Contracting Parties vessels fishing in the NAFO Regulatory Area with requirements of NAFO Control and Enforcement Measures and by EU fishing vessels for compliance with any other Community conservation and control measure applying to those vessels.

| | |
|---------------------------|--|
| <p>Objective 1</p> | <p>Hailing system</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the hailing system, in particular for 2010, submission of CAT messages. <p>Legal reference: NAFO CEM – Chapter III Article 27</p> |
| <p>Objective 2</p> | <p>VMS</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the VMS obligations. <p>Legal reference: NAFO CEM – Chapter III Article 26</p> |
| <p>Objective 3</p> | <p>Recording of catches</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the catch recording requirements. <p>Legal reference: NAFO CEM – Chapter III Article 24</p> |
| <p>Objective 4</p> | <p>Product Labelling Requirements</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the product labelling requirements. <p>Legal reference: NAFO CEM – Chapter II Article 23</p> |
| <p>Objective 5</p> | <p>Fleet compliance</p> <ul style="list-style-type: none"> • To conduct inspections and surveillance of the fishing fleet operating inside the NRA and specially: <ul style="list-style-type: none"> ➤ for fishing vessels which have been operating in other RFMO (NEAFC) before entering the NRA, particular attention should be drawn to the cargo separation; ➤ to verify the gear requirements; ➤ to verify minimum fish size requirements; ➤ to verify the validity of vessel's documentation compliance with the requirements of NAFO CEM, including specific authorisation to fish Greenland halibut. <p>Legal reference: NAFO CEM - Chapter I Articles 7, 13 and 14, Chapter II Articles 18, 20, 21 and Chapter III Article 24</p> |
| <p>Objective 6</p> | <p>Protection of Vulnerable Marine Ecosystems (corals and sponges)</p> <ul style="list-style-type: none"> • To check the compliance with fishing activities within the areas closed to bottom fishery. <p>Legal reference: NAFO CEM – Articles 15 and 16</p> |

| | |
|----------------------------|---|
| <p>Objective 7</p> | <p>By-catch requirements</p> <ul style="list-style-type: none"> • To check the compliance with by-catch requirements. <p>Legal reference: NAFO CEM – Chapter I Article 12</p> |
| <p>Objective 8</p> | <p>Greenland Halibut Rebuilding plan:</p> <ul style="list-style-type: none"> • Monitor the GHL catches of the fishing fleet operating inside the NRA and in particular: <ul style="list-style-type: none"> ➤ to collect data from fishing logbooks and observed catches of hauls for EU vessels targeting GHL; ➤ to verify compliance of the rules and conditions of the Greenland Halibut Rebuilding Plan - (EC) No 2115/05; ➤ to verify the compliance with the provisions of Article 8 of NAFO CEM 2010 (checkpoint). <p>Legal reference: NAFO CEM - Chapter I Articles 7 and 8 and Council Regulations (EC) No. 1386/2007, 2115/05 and 40/2008.</p> |
| <p>Objective 9</p> | <p>Shrimp fishery</p> <ul style="list-style-type: none"> • Monitor the shrimp fishery in Divisions 3M/3L and in particular: <ul style="list-style-type: none"> ➤ to verify the catches taken in both Divisions; ➤ to verify the compliance with the prohibition of fishing for shrimp in the 3M box, from 1st of June to 31st of December. <p>Legal reference: NAFO CEM – Chapter I Article 15</p> |
| <p>Objective 10</p> | <p>Cod fishery in Division 3M and redfish fishery in Divisions 3LN</p> <ul style="list-style-type: none"> • To verify new provisions for cod fishery in Division 3M and redfish fishery in Divisions 3LN. <p>Legal reference: NAFO CEM – Chapter I Article 12</p> |
| <p>Objective 11</p> | <p>EU requirements</p> <ul style="list-style-type: none"> • To verify the compliance with the Community conservation and control measure applying to EU vessels. <p>Legal reference: Community legislation</p> |

Assessment report 5: JDP NEAFC RA

1. LEGAL BASIS

The North East Atlantic Fisheries Commission (NEAFC) is made up of delegations from Contracting Parties who have agreed to abide by the rules of the Convention on Future Multilateral Cooperation in North East Atlantic Fisheries, which entered into force in its current form in November 1982.

The NEAFC Contracting Parties are: Denmark (in respect of Faroe Islands and Greenland), European Union, Iceland, Norway and Russian Federation. Belize, Canada, The Cook Islands, Japan and New Zealand are NEAFC Cooperating Non-Contracting Parties.

The inspection and control activities are organised through a Scheme of Control and Enforcement established by the NEAFC. As a Contracting Party, with more than 10 vessels targeting regulatory species in the NEAFC Regulatory Area (RA) at given times, the European Union is obliged to have an EU inspection vessel present. The European Union is fulfilling this obligation through the deployment of Member State inspection vessels..

The following Community Regulations are applicable;

- Council Regulation (EC) No 2791/1999 of 16 December 1999 laying down certain control measures applicable in the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries²⁰.
- Commission Regulation (EC) No 1085/2000 of 15 May 2000 laying down detailed rules for the application of control measures applicable in the area covered by the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries²¹.
- Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required²².

In 2009 the CFCA coordinated the EU inspection and surveillance activities in the NEAFC RA at the request of the European Commission in accordance with Articles 8 and 9 of Regulation (EC) No 768/2005..

²⁰ OJ L 337, 30.12.1999, p. 1.

²¹ OJ L 128, 29.05.2000, p. 1.

²² OJ L 19, 23.01.2008, p. 1

Decision No 2008/48 of the Executive Director of the CFCA of 16 December 2008 established a Joint Deployment Plan for 2009, in order to fulfil the obligations of the European Community under the Joint Inspection and Surveillance Scheme for the NEAFC RA.

2. THE NEAFC FISHERIES IN 2009

The main species targeted by EU fishing vessels in the NEAFC Regulatory Area are redfish in the Irminger Sea and ICES Sub-areas I and II, deep-sea species in ICES Sub-areas VI and XII, shrimp in the Svalbard Area, cod in ICES Sub-areas I and II and herring in the Norwegian Sea.

3. PLANNING OF THE JDP

3.1. Objectives and strategy

The Community strategy is to deploy the means of control, inspection and surveillance pooled by the Member States concerned in a rational way in order to ensure:

- compliance with the control, inspection and surveillance obligations of the European Community under Article 8 of the NEAFC Convention by Community fishing vessels at sea and in Community ports;
- equal treatment, in terms of control, inspection and surveillance in the NEAFC R.A., between all Contracting Parties with fishing vessels operating in the NEAFC R.A.; and
- surveillance of all non-Contracting Party fishing vessels engaged in IUU fishing in the NEAFC R.A. and monitoring of all possible landings by these fishing vessels and vessels engaged in transshipping with these non-Contracting Party fishing vessels.

For 2009, the benchmarks for the inspection activities adopted by the Technical Joint Deployment group (TJDG) were as follows:

Objectives for the NEAFC sea campaigns

Overall objective

To conduct inspections at sea in order to assess compliance by EU and other Contracting Parties vessels fishing in the NEAFC Regulatory Area with requirements of NEAFC Scheme of Control and Enforcement and other NEAFC Recommendations.

| | |
|---------------------------|---|
| <p>Objective 1</p> | <p>Notification and authorisation of fishing vessel</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the requirement to be notified for fishing operations in the NEAFC Regulatory Area and that vessels are authorised to fish regulated resources when relevant. <p>Legal reference: NEAFC Scheme – Chapter II Article 5</p> |
| <p>Objective 2</p> | <p>Hailing system</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the hailing system. <p>Legal reference: NEAFC Scheme – Chapter III Articles 12-13.</p> |
| <p>Objective 3</p> | <p>VMS</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the VMS obligations. <p>Legal reference: NEAFC Scheme – Chapter III Article 11.</p> |
| <p>Objective 4</p> | <p>Recording of catches</p> <ul style="list-style-type: none"> • To verify the recording of catches. <p>Legal reference: NEAFC Scheme – Chapter III Article 9.</p> |
| <p>Objective 5</p> | <p>Labelling of frozen fish</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the labelling requirements. <p>Legal reference: NEAFC Scheme – Chapter II Article 8.</p> |

| | |
|---------------------------|---|
| <p>Objective 6</p> | <p>Redfish fishery</p> <p>Irminger Sea:</p> <ul style="list-style-type: none"> • To verify if fishing vessel is in the list of vessels authorised to fish redfish. • To verify the use of weekly or daily reports of redfish catches. • To verify requirements of mesh size in this fishery. • To verify the use of unique conversion factor for gutted and headed presentations. • To verify compliance with requirements relating to the Redfish Conservation Area. <p>Legal reference: NEAFC Recommendation III - 2009 and the agreed record of management measures for Pelagic Redfish in the Irminger Sea dated 11 February 2009</p> <p>Norwegian Sea:</p> <ul style="list-style-type: none"> • To verify the use of daily reports of redfish catches. • To verify if fishing vessel is in the list of vessels authorised to fish redfish. • To verify if fishing vessel is collecting scientific information. • To verify the use of unique conversion factor for gutted and headed presentations. <p>Legal reference: NEAFC Recommendation IV - 2009</p> |
| <p>Objective 7</p> | <p>Deep-sea species fishery</p> <ul style="list-style-type: none"> • To verify if EU vessels fishing deep-sea species have special fishing permit. • To verify provisions of sharks fining on board EU fishing vessels. <p>Legal reference: Council Regulation (EC) No. 2347/2002 Council Regulation (EC) No. 1185/2003</p> |

| | |
|---------------------|--|
| Objective 8 | Haddock fishery <ul style="list-style-type: none"> • To verify the compliance with the prohibition of fishing for Rockall haddock in the specified box of VIB Division from 1st of January to 31st of December. Legal reference: NEAFC Recommendation V - 2009 |
| Objective 9 | Herring fishery in ICES Sub-areas I and II <ul style="list-style-type: none"> • To verify the compliance with the limitation of 1% by-catch of pelagic redfish. Legal reference: NEAFC Recommendation IV - 2009 |
| Objective 10 | Protection of deep-water habitats <ul style="list-style-type: none"> • To verify the compliance with the prohibition of fishing with bottom trawls and static gears in the Hecate, Faraday, Altair and Antialfair seamounts. Legal reference: NEAFC Recommendation XIV - 2009 |
| Objective 11 | Blue whiting fishery <ul style="list-style-type: none"> • To verify requirements of mesh size in this fishery. Legal reference: NEAFC Recommendation 2 - 1986 |

3.2 Planning of campaigns (Risk analysis)

The overall planning of the campaigns in 2009 was discussed and agreed by the NEAFC JDP steering group. The main focus was on the fisheries which are the most important for the European Union such as pelagic redfish in the Irminger Sea and ICES Sub-areas I and II and deep-sea species in ICES Sub-areas VI and XII. In respect of the other fisheries (herring, blue whiting and mackerel fisheries in the "banana hole") the Community interest is to ensure that rules are respected to prevent depletion of the stocks and to ensure that fishing activity is monitored and inspected properly in particular with regards to the activities of vessels appearing on the NEAFC IUU list.

4. IMPLEMENTATION OF THE JDP

The JDP was implemented in the form of joint campaigns with joint inspection teams deployed on board inspection vessels at sea and supplementary sea patrols carried out by national Fishery Patrol Vessels and aircraft. Each joint inspection team consisted of at least two inspectors from different Member States.

Moreover, provisions were made to perform, when necessary, landing inspections by mixed teams.

To support these activities, a training seminar for Community NEAFC Inspectors was organised by the CFCA in Spain.

Deployment and pooling of means

All Member States have deployed the inspection and control means in accordance with the agreed JDP planning.

| | NEAFC |
|------------------------------------|-------|
| Member States involved | 12 |
| Campaign days | 196 |
| Patrol vessels deployed (sea days) | 131 |
| Number of aircraft flights | 30 |
| Inspectors (joint teams, at sea) | 16 |

The participation of the individual Member States during the 2009 NEAFC JDP campaigns was based on mutual agreement.

For 2009 the following sea campaigns with joint and national teams were scheduled:

| No | Period | Vessels and aircraft | Inspectors |
|----|-------------|----------------------------|--------------------|
| 1 | 13/04-03/05 | FPV Chilreu (ES) | 1 ES + 1 PL |
| 2 | 04/05-24/05 | FPV Chilreu (ES) | 1 ES + 1 FR |
| 3 | 11/05-28/05 | FPV Tridens (NL) | 1 NL + 1 PL |
| 4 | 28/05-11/06 | FPV Vestkysten (DK) | 1 DK + 1 EE |
| 5 | 10/06-12/07 | FPV Seeadler (DE) | 1 DE + 1 LT |
| 6 | 15/08-21/08 | FPV Jura (UK) | 1 UK + 1 LT + 1 PT |
| 7 | 25/05-09/06 | FPV Seeadler (DE) | DE |
| 8 | 40 days | IRL (national FPV and FPA) | IRL |
| 9 | 14 days | UK (national FPV and FPA) | UK |
| 10 | 8 days | SE (national FPA) | SE |

Participation of MS inspectors was satisfactory and according to plan.

Only during one campaign in 2009 a CFCA Coordinator was present on board the fishery patrol vessel in the NEAFC RA. The campaign concerned was performed by UK focusing on the redfish fishery in ICES Sub-areas I and II.

5. RESULTS OF JDP

Inspection activity

| | |
|-----------------------------|-----|
| • Inspections in NEAFC RA | 58 |
| • Infringements in NEAFC RA | 3 |
| • Sightings in NEAFC RA | 506 |

The inspection and surveillance activities concentrated on vessels fishing redfish in the Irminger Sea and ICES Sub-areas I and II, deep-sea species in ICES Sub-areas VI and XII and other regulated species in the Norwegian Sea.

The overall results of the inspection activity during the 2009 NEAFC JDP ad up to 58 sea inspections.

Three suspected infringements were detected on 3 different fishing vessels. All the infringements concerned a failure to comply with the labelling of frozen fish requirements as described in Article 8 of the NEAFC Scheme.

Detailed Inspection activity table

| DETAILED SUMMARY OF INSPECTIONS PER FLAG STATE | NO. OF INSPECTIONS | NO. OF INFRINGEMENTS |
|--|--------------------|----------------------|
| ESP | 16 | - |
| PRT | 4 | 2 |
| LTU | 2 | - |
| DEU | 1 | - |
| GBR | 1 | - |
| LVA | 1 | - |
| RUS | 27 | 1 |
| FRO | 4 | - |
| NOR | 2 | - |

As illustrated by the table above the detection rate of suspected infringements in the framework of the NEAFC Scheme of Control and Enforcement is relatively low. (5 %)

5.1 Training of inspectors

d. Venue and organisation

In March 2009 a training seminar for national inspectors to be deployed in the NEAFC RA was organised by the CFCA in cooperation with the Spanish inspection authorities, . The training was organised in the Escuela Marítima Bamio (Vilagarcia de Arousa). Also representatives from the Commission and the NEAFC secretariat assisted to this seminar.

e. Attendees

27 participants of the following 11 Member States attended : EE: 2, ES: 3, DE:2, DK: 3, FR:1, LV: 3, LT: 3, PL: 1, PT: 3, IRL: 3, SE: 3.

f. Agenda and programme

The modular course covered the following issues:

- History - UNCLOS III – RFMO's
- NEAFC Organisation - Conventional area – Regulatory area
- NEAFC Scheme and amendments agreed during NEAFC annual meeting
- NEAFC Scheme - (Documentation - labelling – hail and VMS Messages)
- NEAFC Scheme - (Provisions regarding NCP vessels fishery – IUU vessels lists: A and B)
- Management measures for redfish fishery in the Irminger Sea and ICES Sub-areas I and II, Recommendations for other regulated resources (haddock, deep-sea species, herring, mackerel, blue whiting) and deep-water habitats
- Inspection means: inspection vessels and aircraft
- MS experience – case studies (MS)
- NEAFC Scheme – (Flow of information between fishing vessels and NEAFC Secretariat)
- NEAFC Scheme – (Flow of information between inspection means and NEAFC Secretariat)
- NEAFC Scheme - (Holds on board - Volume, production inspection procedures)

The main objective of the training seminar was to ensure a harmonised interpretation and implementation of the NEAFC rules including any new decisions which had been approved during the NEAFC annual meeting.

6. CONCLUSIONS

The 2009 NEAFC Campaign has contributed to the uniform and harmonised application of the conservation and enforcement measures in the NEAFC RA and inspection procedures performed by the different national 'NEAFC' inspectors through training of inspectors, exchange of best practices, harmonised inspection procedures and the deployment of joint inspection teams.



In summary, we can conclude that:

- A Joint Deployment Plan has allowed for the fulfilment of the obligations of the EU as a Contracting Party to NEAFC.
- The training seminar, proved to be an important tool for the improvement of the effectiveness and quality of the deployment of community inspectors and means in the NEAFC RA.
- The deployment of joint inspection teams was considered of paramount importance for the success of joint sea inspection operations.
- The coordination of the inspection activities can be further improved by ensuring the reception of all hail and VMS messages from this area at the CFCA. ,
- There seems to be a need for the improvement of the exchange of information between inspection vessels from other Contracting Parties and EU inspection vessels present in the NEAFC RA.

7. COMPLIANCE 2010

For next campaigns, the mains aspects identified for guiding the inspection activities are:

Overall objective

To conduct inspections at sea in order to assess compliance by vessels fishing in the NEAFC Regulatory Area with requirements of NEAFC Scheme of Control and Enforcement and other NEAFC Recommendations and by EU fishing vessels for compliance with any other Community conservation and control measure applying to those vessels.

| | |
|---------------------------|---|
| <p>Objective 1</p> | <p>Notification and authorisation of fishing vessel</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the requirement to be notified for fishing operations in the NEAFC Regulatory Area and that vessels are authorised to fish regulated resources when relevant. <p>Legal reference: NEAFC Scheme – Chapter II Article 5</p> |
| <p>Objective 2</p> | <p>Communication of catches</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the catch reporting requirements. <p>Legal reference: NEAFC Scheme – Chapter III Articles 12-13.</p> |
| <p>Objective 3</p> | <p>VMS</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the VMS obligations. <p>Legal reference: NEAFC Scheme – Chapter III Article 11.</p> |
| <p>Objective 4</p> | <p>Recording of catches</p> <ul style="list-style-type: none"> • To verify the compliance of the fishing vessels with the catch recording requirements. <p>Legal reference: NEAFC Scheme – Chapter III Article 9.</p> |
| <p>Objective 5</p> | <p>Labelling of frozen fish</p> <ul style="list-style-type: none"> • To verify the compliance of fishing vessels with the labelling requirements. <p>Legal reference: NEAFC Scheme – Chapter II Article 8.</p> |

| | |
|---------------------------|--|
| <p>Objective 6</p> | <p>Redfish fishery</p> <p>Irminger Sea:</p> <ul style="list-style-type: none"> • To verify if fishing vessel is in the list of vessels authorised to fish redfish. • To verify the use of weekly or daily reports of redfish catches. • To verify requirements of mesh size in this fishery. • To verify the use of common conversion factor for gutted and headed presentations. • To verify compliance with requirements relating to the Redfish Conservation Area. <p>Legal reference: NEAFC Recommendation II - 2010</p> <p>Norwegian Sea:</p> <ul style="list-style-type: none"> • To verify if fishing vessel is in the list of vessels authorised to fish redfish. • To verify the use of daily reports of redfish catches. • To verify the use of common conversion factor for gutted and headed presentations. • To verify if fishing vessel is collecting scientific information. • To verify the compliance with the limitation of 1% by-catch of pelagic redfish in herring, blue whiting and mackerel fishery. <p>Legal reference: NEAFC Recommendation III - 2010</p> |
| <p>Objective 7</p> | <p>Haddock fishery</p> <ul style="list-style-type: none"> • To verify the compliance with the prohibition of fishing for Rockall haddock in the specified box of VIB Division from 1st of January to 31st of December. <p>Legal reference: NEAFC Recommendation IV – 2010</p> |
| <p>Objective 8</p> | <p>Protection of vulnerable marine ecosystems</p> <ul style="list-style-type: none"> • To verify the compliance with the prohibition of fishing with bottom trawls and static gears in the Northern, Middle and Southern MAR Areas and Altair and Antialtair seamounts (Hecate, Faraday, Altair and Antialtair Seamounts). |

| | |
|---------------------|--|
| | <ul style="list-style-type: none"> To verify the compliance with the prohibition of fishing with bottom trawls and static gears in the Hatton Bank, Rockall Bank, Logachev Mounds and West Rockall mounds. <p>Legal reference: NEAFC Recommendation – 2009 NEAFC Recommendation VIII – 2010</p> |
| Objective 9 | <p>Blue whiting fishery</p> <ul style="list-style-type: none"> To verify requirements of mesh size in this fishery. <p>Legal reference: NEAFC Recommendation 2 – 1986 Council Regulation (EEC) No 1638/87</p> |
| Objective 10 | <p>Spurdog fishery</p> <ul style="list-style-type: none"> To verify the compliance with the prohibition of directed fishing of spurdog. <p>Legal reference: NEAFC Recommendation VII – 2010</p> |
| Objective 11 | <p>Blue ling fishery</p> <ul style="list-style-type: none"> To verify the compliance with the prohibition of fishing for blue ling in the specified box from 15th of February to 15th of April. <p>Legal reference: NEAFC Recommendation X – 2010</p> |
| Objective 12 | <p>Deep-sea species fishery (EU requirement)</p> <ul style="list-style-type: none"> To verify if EU vessels fishing deep-sea species have special fishing permit. To verify provisions of sharks finning on board EU fishing vessels. <p>Legal reference: Council Regulation (EC) No. 2347/2002 Council Regulation (EC) No. 1185/2003</p> |
| Objective 13 | <p>EU requirements</p> <ul style="list-style-type: none"> To verify the compliance with the Community conservation and control measure applying to EU vessels. <p>Legal reference: Community legislation</p> |

Assesment report 6: JDP Western Waters

1. LEGAL BASIS

Council Regulation (EC) No 1342/2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 intends to ensure the safe recovery of the cod stocks in the Kattegat, the North Sea, the Skagerrak, the Eastern Channel, the waters west of Scotland and the Irish Sea²³ by introducing specific control measures.

Commission Decision (2008/620/EC) establishing a specific control and inspection programme related to the cod stocks in the Kattegat, the North Sea, the Skagerrak, the Eastern Channel, the waters west of Scotland and the Irish Sea²⁴, lays down the rules to ensure harmonise implementation of control measures by Members States.

Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy²⁵ provides that the operational cooperation between Members States concerned should be undertaken on the basis of joint deployment plan to be prepared by the CFCA.

The Work Programme of the CFCA for year 2009²⁶ foresaw that the operational coordination should be applied through the JDP in the cod fisheries in the waters west of Scotland and the Irish Sea.

The above Commission Decision and the Work Programme provided the necessary legal conditions for the adoption of the JDP Western Waters with 2 consecutive joint campaign schedules, respectively for the first half and the second half of year 2009^{27, 28}.

2. STRATEGY AND PLANNING OF CAMPAIGNS

2.1. Description of the fishery

The Irish Sea is of major economic importance to the Member States located around it. The most important fisheries in the Irish Sea are for demersal species caught using a variety of gears. The largest fishery is vessels targeting Nephrops utilising otter trawls, with the larger vessels in the fleet using twin-rig trawls. Cod, haddock, whiting and plaice are an important

²³ OJ L 348, 24.12.2008, p. 20.

²⁴ OJ L 198, 26.7.2008, p. 66.

²⁵ OJ L 128, 21.5.2005, p. 1. Regulation as last amended by Regulation (EC) No 1224/2009.

²⁶ Decision No II-08-05 of the Administrative Board of the CFCA of 16 October 2008 relating to the adoption of the Work Programme and the Final Budget of the CFCA for year 2009. Decision as amended by AB Decision No 09-W-03 of 16 January 2009.

²⁷ Decision No 2008/46 of the Executive Director of the CFCA of 22 December 2008 establishing a Joint Deployment Plan concerning the organisation of the use of pooled national means of control and inspection in Community waters in the waters west of Scotland and the Irish Sea, to give effect to commission Decision (2008/620/EC), establishing a specific control and inspection programme related to the recovery of cod stocks.

²⁸ Decision No 2009/32 of the Executive Director of the CFCA of 20 May 2009 amending Decision No 2008/46 of the Executive Director of the CFCA establishing a Joint Deployment Plan concerning the organisation of the use of pooled national means of control and inspection in Community waters in the waters west of Scotland and the Irish Sea, to give effect to commission Decision (2008/620/EC), establishing a specific control and inspection programme related to the recovery of cod stocks.

by-catch in this fishery. These species are also targeted directly with monkfish and hake caught as a by-catch.

Around the Isle of Man there is a sizeable fishery for queen scallops which are caught by dredgers and in coastal areas of the Irish Sea razor fish are caught using hydraulic dredges. Beam trawlers on the eastern Irish Sea target flatfish such as sole, plaice and turbot, cod is commonly caught as a by-catch.

In addition, there are a large number of inshore vessels targeting various species with differing methods. Gillnets and tangle nets are used to catch cod, plaice and sole whilst pot vessels target brown crab, lobster and whelk. There is a minor pelagic fishery targeting herring.

The sea area West of Scotland has a diverse range of fisheries and target species. There are a wide range of nationalities fishing in this area using differing fishing methods. The main demersal fisheries are *Nephrops*, haddock, whiting, monkfish and cod with a by-catch composing of megrims, sole and saithe. Deepwater gill-netters target monkfish and at Rockall there is a fishery for haddock and a sporadic seasonal squid fishery. There is also an extensive seasonal pelagic fishery with vessels from Ireland, Scotland, Germany and Holland targeting herring, mackerel, horse mackerel and blue whiting.

2.2. Situation of the stock

The International Council for the Exploration of the Sea (ICES) deems the cod stock in the Irish Sea to be outside safe biological limits. There has been a long-term decline in the spawning stock biomass (SBB) due to the high rate of fishing mortality. Recruitment has been below average for the past sixteen years, and the six most recent year classes are amongst the smallest on record.

West of Scotland cod is outside safe biological limits. To try to improve the SBB, a recovery plan is in place for cod for several years.

2.3. Risk analysis

The methodology for the planning of joint campaigns was based on the analyses by the CFCA of data supplied by the Member States, in particular: recorded cod catches per ICES rectangle on a monthly basis in 2008 and the amount of cod landings in Member State ports bordering the Western Waters and Irish Sea areas for 2008. The provided data was aggregated to identify the areas and periods of important fishing activity. The results of the analysis were presented in graphic form and discussed with Member States at the Steering Group. The aggregated results formed the basis of the draft planning of the joint control, inspection and surveillance activities by Members States concerned.

Most Member States either have a risk analysis system in place or are in the process of developing such systems. Some of the outputs were taken into account during the planning stage of the JDP, in order to better identify the times and areas of the campaigns and to identify more specific objectives. This process will be further developed in 2010.

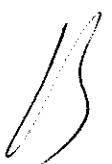
2.4. Strategy

It was agreed to implement the Western Water JDP in the form of joint campaigns.

- Each joint campaign covered an area and period selected on the basis of the results of the cod catch and landings data analysis. It provided for the participation of the relevant Member States responsible for control, inspection and surveillance in that

area and of the Member States whose fishing vessels were active in that same area. It detailed the objectives of the activities and the national means committed by the Member States concerned.

- The means were to be deployed throughout the whole area during a joint campaign, including the Exclusive Economic Zones (EEZ) of other Member States, as well as in territorial waters, the latter on a voluntary basis, taking into account pre-defined access procedures.
- Mixed teams of inspectors were placed on board of inspection platforms. Each team should consist of at least one inspector of the Member State where the surveillance activities are conducted.
- Landing inspections by mixed teams were scheduled where cod landings of fishing vessels from other Member States could be expected.
- Each joint campaign was coordinated from a single Coordination Centre in Charge. The Member State volunteering to this task provided an operational coordination and communication platform in order to pool and to make available data (i.e. VMS, inspection activity, fishing activity) for targeting and coordinating inspection and surveillance activities during the joint campaign. Member States make available and provide all relevant data to the Coordination Centre in Charge.



2.5. List of scheduled campaigns

For 2009 the following joint campaigns were agreed with Member States concerned:

| No | Date | Area | Participating MS |
|----|-----------------------|---|-------------------------|
| 1 | 09 – 20 February 2009 | Irish Sea ICES Division VIIa | UK, Ireland and Belgium |
| 2 | 20 – 31 March 2009 | Irish Sea ICES Division VIIa | UK, Ireland and Belgium |
| 3 | 18 – 29 May 2009 | The Northern North Sea and West of Scotland | UK, France and Ireland |

It should be noted that Joint Campaign No 3 was conducted at the same time as Joint Campaign in the northern North Sea, in order to cover the possibilities of vessels East and west of 4 degrees West line, which separates the two areas of operations. This gave the opportunity for more holistic approach to joint control operations in the waters around Scotland.

3. IMPLEMENTATION OF THE JDP

3.1 Member State participation

All Member States participated in each of the joint campaigns as agreed in the initial JDP planning.

| MEMBER STATE | JDP PARTICIPATION | |
|--------------|-------------------|-----------------------------|
| | NO. OF CAMPAIGNS | NO. OF CAMPAIGNS AS LEAD MS |
| IRELAND | 3 | 1 |
| BELGIUM | 2 | 0 |
| FRANCE | 1 | 0 |
| UK | 3 | 2 |

The participation of the individual Member States in the Western Waters JDP was relatively well-balanced. The means committed by the Member States broadly reflects their respective levels of involvement in the cod fishery in the area.

All Member States have deployed the means of inspection and surveillance committed to the agreed joint campaigns listed in the initial JDP planning.

3.2 Deployment and pooling of means

| SUMMARY | Western Waters |
|------------------------------------|----------------|
| Member States involved | 4 |
| Campaign days | 36 |
| Patrol vessels deployed (sea days) | 60 |
| Aircraft deployed (Flights) | 13 |
| Inspectors (mixed teams) | 13 |

The quality of the means for sea inspection and surveillance was adequate. Most vessels can stay out at sea for long periods, are well equipped and have accommodation available for mixed inspection teams.

As regards aerial surveillance, 13 flights were carried out during 3 joint campaigns. In total, 380 sightings were made. Aircrafts has been made available by Ireland and the UK. The surveillance data was used to perform cross-checks of VMS data made available at the coordination centre.

As indicated, 13 Inspectors have been exchanged and formed part of joint teams on board of inspection vessels and ashore.

The deployment of joint boarding teams was considered of great importance for the success of joint sea inspection operations. Having on board a national inspector of the coastal Member State in whose waters the inspection is active seems to avoid a number of procedural problems. Joint teams of inspectors facilitate a straightforward approach regarding the initiation of infringement procedures and exercising enforcement powers. A mixed inspection team also increases the overall efficiency of inspection activities as:

- -it facilitates the exchange of back-ground information and intelligence
- -it supports the harmonisation of inspection procedures.

On land, mixed teams have been deployed in a limited number of cases.

3.3 Operational coordination

Coordination Centre in charge

The Member State in charge provided the platform for communication and coordination. Although the availability of a well-equipped coordination platform is important, the fact of having sufficient human resources available at the coordination centre is even of greater importance.

Very often, the inspection platforms from other Member States were steered directly from the coordination centre in charge. Notwithstanding the fact that the Member State offering the inspection platform always keeps full command of its own means, there is a significant advantage in keeping the communication lines as short as possible, in particular when several platforms are operating in the same area.

For each joint campaign, the CFCA made a coordinator available to assist the Member State at the coordination centre. It has been appreciated by all Member States since being in charge of a joint deployment campaign requires considerable efforts at the level of human resources.

Pooling of data

All Member States have made a significant effort to establish the exchange of VMS data during the joint campaigns for the areas concerned. The usefulness of shared VMS data needs no explanation; it is a key element for the guidance of inspection platforms.

The recording and exchange of inspection activity details during joint campaigns was satisfactory.

Access to EEZ and territorial waters

It was of great importance, for the efficiency of the JDP, to be able to deploy the committed inspection means in areas where they are most needed.

Access to Territorial Waters was not possible in some Member States, due to political or sovereignty issues.

In order to facilitate, where possible, cross-border inspection and surveillance activities in waters under the jurisdiction (EEZ) of Member States and even under the sovereignty (territorial waters) of Member States, the access procedures and possibilities for each Member State were listed and explained in advance.

3.4. Joint inspection and surveillance activities

Inspection activity

The inspection and surveillance activities concentrated on fishing vessels using gear types that are likely to catch cod either as a targeted fishery or as by-catch. Inspections of transport and marketing of cod were also carried out.

With an average of approximately 40 sea inspections and 75 landing inspections per joint campaign, the overall result of the inspection activity during the 2009 Western Waters JDP is as follows:

| | |
|----------------------|-----|
| • Inspections: Sea | 122 |
| • Inspections: Shore | 225 |

| | |
|---------------------------------|---|
| • Infringements detected: Sea | 8 |
| • Infringements detected: Shore | 2 |

The inspection activity during the 2009 JDP resulted in a 6.6% detection rate of suspected infringements at sea, and in a 0.9% detection rate during landing inspections.

Of the 8 suspected infringements detected at sea, 2 infringements were related to prohibited or non compliant fishing gear, 2 were related to national legislation, 1 was due to gear not being marked properly and 3 related to logbook offences.

Of the 2 suspected infringements detected at land they both related to a failure to comply with notification of landing i.e. failure to inform the MS of their intention to land in excess of 1 tonne of Cod.

c) Detailed Inspection activity table

| DETAILED SUMMARY PER MEMBER STATE | MEANS PROVIDED - SEA | | | MEANS - AIR | | MEANS - SHORE | | INFR. DETECT. RATE | |
|-----------------------------------|----------------------|--------------|-----------------|----------------|---------------|---------------|-----------------|--------------------|-------|
| | ACTIVE SEA DAYS | NO. OF INSP. | NO. OF INFRING. | NO. OF FLIGHTS | NO. OF SIGHT. | NO. OF INSP. | NO. OF INFRING. | SEA | SHORE |
| UK | 46 | 92 | 5 | 6 | 313 | 189 | 2 | 5.4% | 0.9% |
| IRL | 14 | 30 | 3 | 7 | 67 | 36 | 0 | 10% | 0 |
| FRA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

b) Overview of infringements detected

| NATURE OF SUSPECTED INFRINGEMENT | NO. OF CASES. AT SEA | NO. OF CASES. DURING LANDING |
|--|----------------------|------------------------------|
| Prohibited or non compliant fishing gear | 2 | - |
| National legislation infringement | 2 | - |
| Logbook offences | 3 | - |
| Gear not marked properly | 1 | - |
| No pre-notification of Landing time | - | 2 |

4. EVALUATION

4.1 Methodology

In accordance with Article 14 of Regulation (EC) No 768/2005, the CFCA shall undertake an annual assessment of the effectiveness of each joint deployment plan, as well as an analysis, on the basis of available evidence, of the existence of a risk that fishing activities are not compliant with applicable control measures. An assessment methodology is now developed in line with the conclusions from the discussion with Member States at the seminar held in Vigo in July 2009.

4.2 Cooperation

Joint Campaigns have contributed to the uniform and harmonised application of the rules and inspection procedures performed by various national services through training of inspectors, exchange of best practices, harmonised inspection procedures and the deployment of joint inspection teams.

Joint Campaigns have contributed to the effectiveness of the control, inspection and surveillance activities carried out by the Member States concerned. The inspection means available during the joint campaigns and the cross-border operations have increased the probability of inspection and included an additional surprise effect when inspecting in areas with dense fishing activity.

Indeed, guided and coordinated by the Coordination Centre in Charge, the inspection and surveillance operations were more efficiently targeted in accordance with the fishing activity at a given time in the area.

Because of continuous data exchange between Member States during the joint campaigns it was possible to anticipate changes in the fishing pattern and weather conditions.

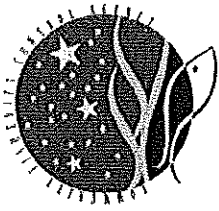
The pooling of data in the Coordination Centre in Charge made it possible to target the fishing activities throughout the whole fishing area.



5. CONCLUDING REMARKS

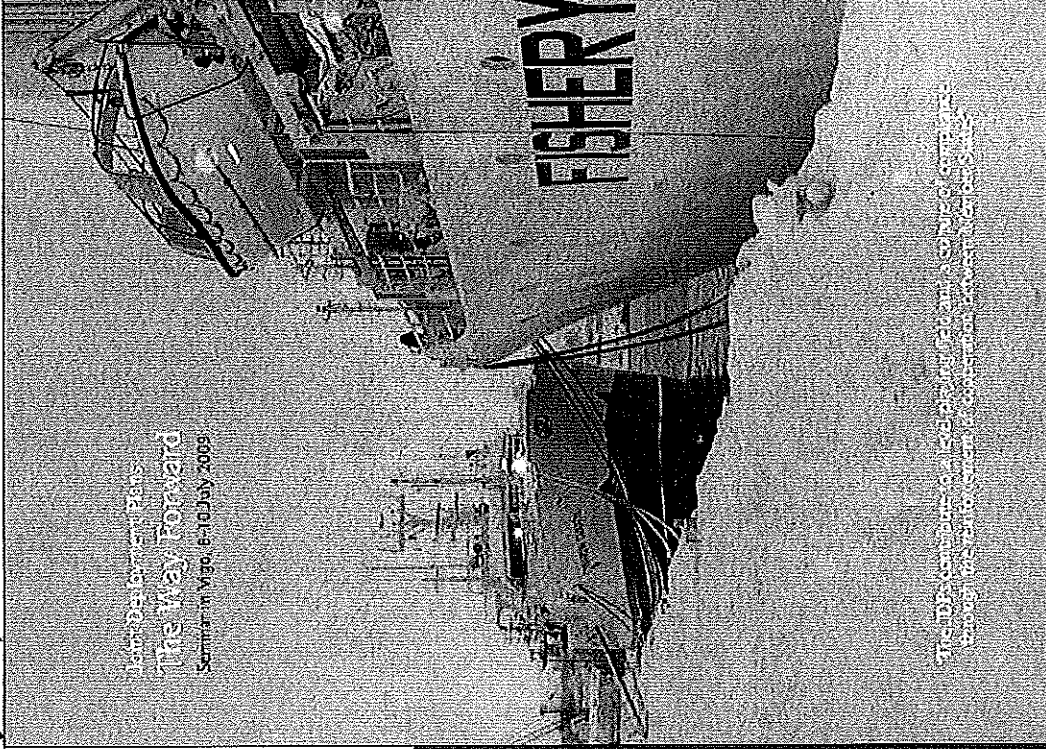
- It was well demonstrated that a high level of operational cooperation between Member States concerned could be achieved. The JDP framework contributed to the uniform and harmonised application of the rules and inspection procedures
- Because of access restrictions, the cost-effectiveness of pooling inspection means for joint control and inspection activities is difficult to establish, as inspection platforms cannot operate freely within the whole area covered by the campaign.
- The use of operational risk analysis during Joint campaigns and the sharing of risk analysis ensure the good performance of the inspections by efficient targeting of fishing vessels
- In the case of an infringement being detected, if a National Fisheries Inspector of the coastal Member State leads an inspection by a mixed team in the waters of the coastal Member State, many of the potential legal problems associated with the transfer of prosecutions from one MS to another can be avoided.

ANNEX I. B Conclusions of the JDP Seminar (Vigo, 8-10 July 2009)



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Seminar on JDPs 2009: The Way Forward

MEETING OBJECTIVES

On the 8-10 July 2009, the CFCA organised a seminar entitled "The Way Forward" at its premises in Vigo, Spain.

After two years of coordination of the control activities by the CFCA, the seminar aimed at:

- assessing the functioning of JDPs
- discussing best practices
- setting the way forward for JDPs

The meeting was divided into three main sessions:

- The assessment of the effectiveness of the Joint Deployment Plans (JDP)
- Risk Management in Control and Enforcement
- Best practices in JDPs Coordination

A final session drawing up the Conclusions of the seminar took place on the last day followed by a press conference.

Together with CFCA and European Commission representatives, twenty countries attended the meeting, comprising Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, the Netherlands, Spain, Sweden and UK.

Online resources:

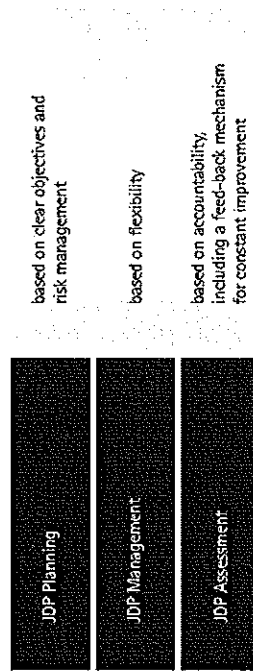
General information about the Seminar:
http://www.cfca.europa.eu/press_releases/news-130709.htm

GENERAL STATEMENT

The seminar recognises that:

Operational cooperation between Member States has improved through JDPs

To move the JDP concept forward, the seminar proposes to have an interlinked approach between:



Aiming at:

- ▣ The creation a level playing field
- ▣ The improvement of, notably, the culture of compliance,
- ▣ A move towards an uniform and effective application of the CFP, through reinforcement of cooperation between MS

Future actions should be based on the recommendations of the sessions

An annual seminar will be convened to continue with the work started in this meeting.

AGENDA

Welcome by Harm Koster, CFCA Executive Director

Session 1 | Risk Management in Control and Enforcement
Moderator: J. Eliassen (Denmark) - Senior Advisor, Directorate for Fisheries

- Risk Management: Experience in Denmark
F. Vind (Denmark) - Head of Assessment Unit, Directorate for Fisheries
- Risk Management: Experience in the United Kingdom
A. Beveridge (United Kingdom) - Chief of Marine Operations, Marine Scotland - Compliance
- Risk Management: an Expert View
B. Schultz - Expert

Session 2 | The Assessment of the effectiveness of JDPs

Moderator: Xavier Yáñez - European Commission DG MARE Fisheries Control Policy Unit

- Costs and Benefits of Control Strategies: the COBECOS Project
R. Puelles (Spain) - Representative of a EU funded research project: COBECOS
- Assessment of Fisheries Control and Inspection Operation: Experience by a Member State
M. Janeke & Gunnar Johansson (Sweden) - National coordinator for Fisheries Control at Sea - Swedish Coast Guard
- Operational cooperation between National competent authorities
P. Du Vivier (United Kingdom) - Head of compliance, Marine Scotland

Session 3 | Best practices in JDPs Coordination

Moderator: I. Perret (France) - Head of Control, Directorate of Fisheries

- JDPs Experience in Non-Community Waters
H. Figueiredo (Portugal) - Vice-Director General for Fisheries and Aquaculture
- JDPs Experience in Community Waters
M. Vainibergs (Latvia) - Head of Supervision Division of the Marine and Inland Waters Administration

Presentation of results by the chairman of each session followed by a general discussion

RECOMMENDATIONS OF THE SESSIONS

Session 1 | Risk Management in Control and Enforcement

"Risk management procedures are essential for the overall strategic planning of fisheries control and inspection operations and for prioritizing inspection targets at an operational tactical level of control"

Suggests to:

- The CFCA and MS to consider the risk management model presented in annex 1 as a basis for determining time period, users, inputs and outputs required to support the overall strategic and operational tactical planning of control and inspection operations
- The CFCA to consider developing a procedure to manage inputs (e.g. historical VMS data, inspection reports and logbook data) for the strategic planning of joint campaigns
- The Steering Groups to meet in order to finalise the strategic plan of joint campaigns
- TJDG to manage mid term and short term inputs for the tactical planning of joint campaigns
- The CFCA to facilitate the exchange of good risk analysis methodologies between MS, and support the development of risk analysis tool that may be of benefit to them.
- The CFCA and the MS to work on the development of common guidelines applicable to risk management and appropriate impact evaluation procedures

Session 2 | The assessment of the effectiveness of the JDPs

"The JDPs contribute to the fulfilment of MS control responsibilities under the Specific Control and Inspection Programmes and the International Control and Inspection Schemes"

Suggests to:

- The CFCA, to apply a procedure to present the annual assessment report of each JDP, ensuring that the Commission and MS opinion are taken into account
- The CFCA, in consultation with the MS and the Commission, to develop a methodology for assessment of JDPs, to:
 - Evaluate if the inspection activities have been deployed according to the specific objectives established in the JDP

- Evaluate the contribution of JDP to the objectives and benchmarks of the specific control and inspection programme in place
- Evaluate the added value of operational cooperation between MS
- Define a common system of evaluation of the Specific annual Control and Inspection Programme, integrating the national evaluation reports, the assessment of each JDP and the Commission views

The use of external expertise to support the knowledge-base required for this exercise should be considered

- The CFCA to promote further development of performance effectiveness indicators based on inputs from MS and the Commission

Session 3 | Best practices in JDP coordination

"The Joint Deployment Plan (JDP) is a legal instrument to design and prepare the joint control and inspection activities. It should continue to be developed considering the conditions of the different areas/fisheries"

Suggests to:

- The CFCA to continue with JDPs that take into account the conditions of the different areas/fisheries
- The Steering Groups and/or TJDG to develop more specific objectives for the different campaigns of each JDP
- The CFCA to adopt, where appropriate, multiannual JDPs, consistent with the time-frame of the relevant specific control and inspection programme. Joint campaigns will be agreed by the Steering Group and incorporated to each JDP
- The CFCA to carry over a study on the possible application of the Web based systems (FISHNET) to exchange information in the framework of the JDPs
- The CFCA to create urgently a working group with MS and the Commission to support the uniform and effective implementation of the IUU regulation by Member States
- The CFCA to include in its annual work programme a clear description of the role of the Steering Groups and the Technical Joint Deployment Groups
- CFCA and Member States to take the most flexible approach possible to modify, if necessary, the planned inspection and control campaigns on the view of the best available risk analysis, while maintaining the general objectives of the campaigns
- To the Steering groups to take a more active role on the design of the CFCA training activities needed to raise the overall quality of inspections

ANNEX II. Administrative Board Decisions

9th Administrative Board meeting, 19 March 2009, held in Vigo, Spain

The CFCA Administrative Board:

- Has adopted the Agenda of the 9th meeting held in Vigo on 19 March 2009.
- Has welcomed the presentation of the Executive Director on the current developments of the CFCA.
- Has welcomed the presentation by the Commission of the proposal for a new Fisheries Control Regulation.
- Has adopted the Annual Report of the CFCA for 2008.
- Has welcomed the presentation on the Provisional Work Programme for year 2010.
- Has welcomed the presentation on the report on budgetary and financial management for year 2008.
- Has welcomed the presentation on the preliminary draft amending budget for year 2009.
- Has adopted the preliminary draft budget and establishment plan of the CFCA for year 2010.
- Has welcomed the presentation on the Staff Policy Plan of the Agency for years 2010-2012.
- Has welcomed the presentation on the Implementing Rules of the Staff Regulations: Classification of Temporary Agents and Appraisal of the Director.
- Has adopted the revised rules for Seconded National Experts.
- Has taken note of the information provided on the Implementation of the Seat Agreement (Move to the final Headquarters).
- Has welcomed the presentation concerning Schooling of Staff members' children; teaching in mother tongue and support for Spanish and English.
- Has taken note of the proposed amendment to the Rules of Procedure of the Advisory Board.

10th Administrative Board meeting, 15 October 2009, held in Vigo, Spain

The CFCA Administrative Board:

- Has adopted the Agenda of the 10th meeting held in Vigo on 15 October 2009.
- Has welcomed the presentation of the Executive Director on the current developments of the CFCA.
- Has taken note of the Roadmap on the implementation of the CFCA mid-term strategy.
- Has adopted the Work Programme of the CFCA for year 2010 together with the Budget of the CFCA for year 2010, the latter provided that the budgetary authority adopts the PDB 2010 and confirms the figures of budget items 11.080501 – Subsidy under Title I and II and 11.080502 – Subsidy under Title III.
- Has adopted a decision concerning the appointment of the Accounting Officer.
- Has adopted the Implementing Rules of the Staff Regulations: Appraisal of the Director and Engagement and use of Temporary Agents.
- Has taken note of the presentation on the Memorandum of Understanding (Move to the Final Headquarters) and exchanged views on the options proposed by the Spanish authorities.
- Has adopted a Decision concerning Schooling of Staff members' children; teaching in mother tongue and support for Spanish and English.
- Has adopted a Decision amending the Rules of Procedure of the Advisory Board.

CFCA Annual Report 2009

- Has welcomed the presentation on the Business Continuity Roadmap and encouraged the Executive Director to present a general Business Continuity Plan by autumn 2010.
- Has taken note of the presentation on the audits of the CFCA.
- Has welcomed the presentation on the evaluation of EU decentralised Agencies.
- Has taken note of the timetable on the future evaluation of the CFCA.
- Has taken note of the presentation on a possible Budget Committee.

Written procedures

- Adopted the Financial Regulation of the CFCA.
- Adopted the Implementing Rules of the Financial Regulation of the CFCA.
- Adopted the amendment No 1 of the CFCA Work Programme and Budget 2009.
- Adopted the CFCA Preliminary Draft Budget 2010.
- Adopted a decision giving a mandate to the Executive Director to conclude a direct agreement with the school SEK Atlántico on mother tongue tuition and support for Spanish and English.
- Adopted a decision giving a mandate to the Executive Director to conclude a direct agreement with the school Martin Codax on mother tongue tuition and support for Spanish and English.
- Adopted the amendment No 2 of the CFCA Work Programme and Budget 2009.
- Adopted relating to the adoption of the CFCA Final Annual Accounts for financial year 2008.
- Adopted the Multiannual Staff Policy Plan 2010-2012.
- Adopted the amendment No 3 of the CFCA Budget 2009.

ANNEX III. Budget Execution 2009
Staff and Administrative Expenditure (In Euros)

| TITLE/ CHAPTER | HEADING | BUDGET 2009 | Commitments | | Payments | |
|-------------------|--|---------------------|---------------------|---------------|---------------------|--------------|
| | | | Committed | % exec | Paid | % exec |
| 1 | STAFF | 5,621,500.00 | 5,425,404.95 | 96.5% | 5,319,545.57 | 96.4% |
| 1 1 | Staff in active employment | 5,028,179.00 | 4,852,631.02 | 96.5% | 4,840,750.90 | 96.3% |
| 1 2 | Expenditure related to recruitment | 373,321.00 | 373,328.86 | 100.0% | 359,662.16 | 96.3% |
| 1 3 | Administrative missions and duty travel | 80,000.00 | 101,490.00 | 126.9% | 89,341.53 | 111.7% |
| 1 4 | Socio-medical infrastructure, training | 130,000.00 | 88,546.37 | 68.1% | 22,162.53 | 17.0% |
| 1 7 | Reception and representation expenses | 10,000.00 | 9,408.70 | 94.1% | 7,628.45 | 76.3% |
| 2 | ADMINISTRATIVE EXPENDITURE | 1,356,000.00 | 1,460,912.66 | 107.7% | 862,582.58 | 59.0% |
| 2 0 | Rental of building and associated costs | 827,636.00 | 903,062.92 | 109.1% | 496,439.48 | 60.0% |
| 2 1 | Data processing expenditure and associated costs | 100,000.00 | 146,054.94 | 146.1% | 80,159.50 | 80.2% |
| 2 2 | Movable property and associated costs | 50,000.00 | 44,884.07 | 89.8% | 2,317.37 | 4.6% |
| 2 3 | Current administrative expenditure | 28,600.00 | 35,022.65 | 122.5% | 5,847.10 | 20.4% |
| 2 4 | Postal charges and telecommunications | 55,024.00 | 43,348.05 | 78.8% | 32,586.91 | 59.2% |
| 2 5 | Meeting expenses | 82,340.00 | 59,264.35 | 72.0% | 57,264.35 | 69.5% |
| 2 6 | Supplementary Services | 142,400.00 | 152,400.00 | 107.0% | 112,402.19 | 78.9% |
| 2 7 | General Info/Communications | 70,000.00 | 76,875.68 | 109.8% | 75,565.68 | 108.0% |
| | 11.080501 (TITLES I & II) | 6,977,500.00 | 6,886,317.61 | 98.7% | 6,182,128.15 | 88.6% |

Operational Expenditure (In Euros)

| TITLE/ CHAPTER | HEADING | BUDGET 2009 | Commitments | | Payments | |
|-------------------|------------------------------|-------------------|-------------------|--------------|-------------------|--------------|
| | | | Committed | % exec | Paid | % exec |
| 3.0 | Capacity Building | 300,000.00 | 287,356.60 | 95.8% | 211,532.12 | 70.5% |
| 3.1 | North Sea and Adjacent Areas | 100,000.00 | 98,233.51 | 98.2% | 97,230.85 | 97.2% |
| 3.2 | Baltic Sea | 150,000.00 | 118,364.89 | 78.9% | 118,357.55 | 78.9% |
| 3.3 | NAFO and NEAFC | 200,000.00 | 197,780.68 | 98.9% | 196,294.18 | 98.1% |
| 3.4 | Western Waters | 37,500.00 | 19,043.18 | 50.8% | 19,153.18 | 51.1% |
| 3.5 | Mediterranean Sea | 112,500.00 | 117,184.41 | 104.2% | 102,051.25 | 90.7% |
| 3.7 | IUU | 37,500.00 | 45,807.50 | 122.2% | 47,979.00 | 127.9% |
| | 11.080502 | 937,500.00 | 883,770.77 | 94.3% | 792,598.13 | 84.5% |
| | TOTAL TITLE III | | | | | |

TOTAL FIGURES BUDGET EXECUTION 2009 (In Euros)

| HEADING | BUDGET 2009 | Commitments | | Payments | |
|--------------------------|-------------------|------------------|------------|------------------|------------|
| | | Committed | % exec | Paid | % exec |
| TOTAL SUBSIDY | 7,915,000 | 7,770,088 | 98% | 6,974,726 | 88% |
| Assigned Revenue | 2,150,000 | 2,103,721 | 98% | 2,103,721 | 98% |
| TOTAL BUDGET 2009 | 10,065,000 | 9,873,809 | 98% | 9,078,447 | 90% |

ANNEX IV. Economic outturn account²⁹

CFCA – ECONOMIC OUTTURN ACCOUNT - 2009

| | 2009 | 2008 |
|---|----------------------|----------------------|
| Revenues from administrative operations | 17.964,06 | 20.749,45 |
| Other operating revenue | 9.807.125,35 | 8.624.143,93 |
| TOTAL OPERATING REVENUE | 9.825.089,41 | 8.644.893,38 |
| Administrative expenses | -7.041.762,28 | -6.148.853,00 |
| Staff expenses | -5.015.155,92 | -4.290.711,30 |
| Fixed asset related expenses | -82.137,46 | -40.904,61 |
| Other administrative expenses | -1.944.468,90 | -1.817.237,09 |
| Operational expenses | -2.479.156,92 | -2.633.264,12 |
| Other operational expenses | -2.479.156,92 | -2.633.264,12 |
| TOTAL OPERATING EXPENSES | -9.520.919,20 | -8.782.117,12 |
| SURPLUS/(DEFICIT) FROM OPERATING ACTIVITIES | 304.170,21 | -137.223,74 |
| Financial revenues | 0,00 | 125,84 |
| Financial expenses | -2.838,72 | -2.391,97 |
| SURPLUS/ (DEFICIT) FROM NON OPERATING ACTIVITIES | -2.838,72 | -2.266,13 |
| SURPLUS/(DEFICIT) FROM ORDINARY ACTIVITIES | 301.331,49 | -139.489,87 |
| SURPLUS/(DEFICIT) FROM EXTRAORDINARY ITEMS | 0,00 | 0,00 |
| ECONOMIC RESULT OF THE YEAR | 301.331,49 | -139.489,87 |

²⁹ Provisional annual accounts

ANNEX V. Balance sheet³⁰

CFCA-BALANCE SHEET - ASSETS

| | | 31.12.2009 | 31.12.2008 |
|--|---|---------------------|---------------------|
| ASSETS | | | |
| A. NON CURRENT ASSETS | | | |
| Intangible fixed assets | | 20.389,00 | 29.107,00 |
| Tangible fixed assets | | 357.195,23 | 257.074,23 |
| | Plant and equipment | 15.831,00 | 3.918,00 |
| | Computer hardware | 133.051,00 | 87.873,00 |
| | Furniture and vehicles | 130.265,23 | 140.888,23 |
| | Other fixtures and fittings | 78.048,00 | 24.395,00 |
| TOTAL NON CURRENT ASSETS | | 377.584,23 | 286.181,23 |
| B. CURRENT ASSETS | | | |
| Short-term receivables | | 50.212,22 | 63.316,46 |
| | Current receivables | 379,95 | 21.147,42 |
| | Sundry receivables | 21.126,21 | 36.992,57 |
| Other | | 9.063,41 | 4.266,24 |
| | Accrued income | 2.794,08 | 0,00 |
| | Deferred charges | 6.169,37 | 1.170,57 |
| | <i>Deferrals and Accruals with consolidated EC entities</i> | 99,96 | 3.095,67 |
| Short-term receivables with consolidated EC entities | | 19.642,65 | 910,23 |
| Cash and cash equivalents | | 1.086.639,06 | 1.823.388,79 |
| TOTAL CURRENT ASSETS | | 1.136.851,28 | 1.886.705,25 |
| TOTAL | | 1.514.435,51 | 2.172.886,48 |

³⁰ Provisional annual accounts

CFCA-BALANCE SHEET - LIABILITIES³¹

| | | 31.12.2009 | 31.12.2008 |
|--|--|---------------------|---------------------|
| LIABILITIES | | | |
| A. CAPITAL | | 443.854,97 | 142.523,48 |
| Accumulated surplus/deficit | | 142.523,48 | 282.013,35 |
| Economic result of the year - profit+/loss- | | 301.331,49 | -139.489,87 |
| | | | |
| B. MINORITY INTERESTS | | 0,00 | 0,00 |
| C. NON CURRENT LIABILITIES other | | 0,00 | 0,00 |
| TOTAL NON CURRENT LIABILITIES | | 142.523,48 | 142.523,48 |
| | | | |
| D. CURRENT LIABILITIES | | 1.025.499,39 | 2.030.363,00 |
| Accounts payable | | 1.025.499,39 | 2.030.363,00 |
| | Current payables | -41.060,50 | -941,19 |
| | Sundry payables | 138.721,13 | 53.982,18 |
| | Other | 697.907,40 | 1.133.009,40 |
| | Accrued charges | 677.818,78 | 1.033.357,25 |
| | <i>Deferrals and accruals with consolidated EC entities</i> | 20.088,62 | 99.652,15 |
| Accounts payable with consolidated EC entities | | 229.931,36 | 844.312,61 |
| | <i>Pre-financing received from consolidated EC entities</i> | 185.432,45 | 714.776,77 |
| | <i>Other accounts payable against consolidated EC entities</i> | 44.498,91 | 129.535,84 |
| TOTAL CURRENT LIABILITIES | | 2.030.363,00 | 2.030.363,00 |
| | | | |
| TOTAL | | 2.172.886,48 | 2.172.886,48 |

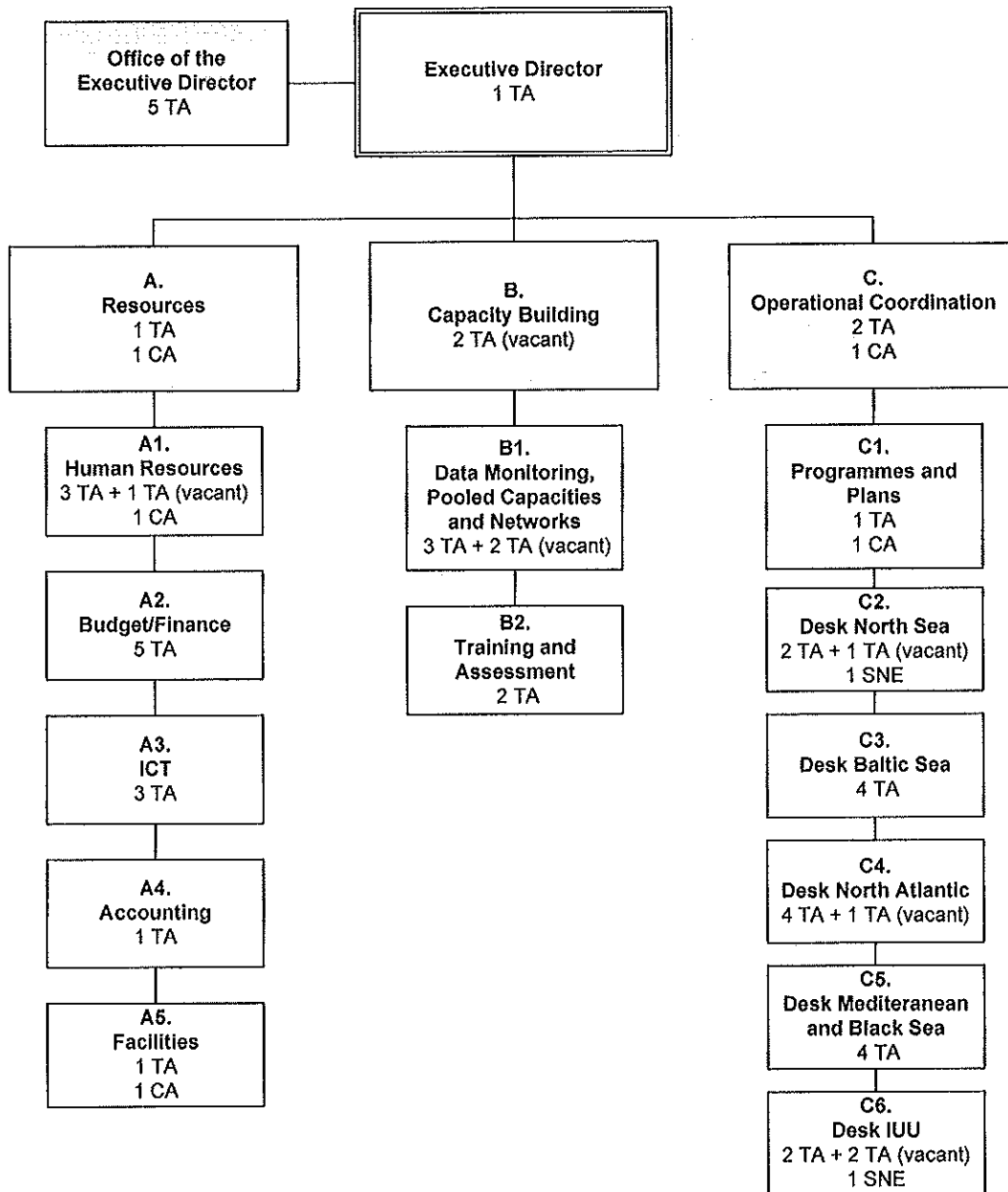
³¹ Provisional annual accounts

ANNEX VI. Human Resources allocated to the support activities

| Office of the Executive Director | |
|--|--------------------------------|
| Function | Staff category |
| Management and Coordination | 2 AD, 2 AST |
| Internal Auditor | Service Level Agreement (EMSA) |
| Legal matters and communication | 2 AD |
| TOTAL | 4 AD, 2 AST |
| Unit A - Resources | |
| Function | Staff category |
| Management and Coordination | 1 AD, 1 CA |
| Human Resources | 1 AD, 2 AST, 1 CA |
| Finance and Accounting | 2 AD, 4 AST |
| ICT | 1 AD, 2 AST |
| Facilities and Logistics | 1 AST, 1 CA |
| TOTAL | 5 AD, 8 AST, 3 CA |
| TOTAL (Office of the ED and Unit A) | 9 AD, 10 AST, 3 CA |



ANNEX VII. Organisation Chart as last adopted in 2009



ANNEX VIII. Communication activities

| | Tasks: | Results delivered: |
|---|--|--|
| <p>1. Target: Stakeholders</p> <p><u>Objective:</u> Contribute to build a culture of compliance of the Common Fisheries Policy by generating trust, confidence and accountability of the CFP measures</p> | <p>1. Presentations of CFCA work and mission</p> <p>2. Organisation of specific conferences/events between the RAC and the CFCA promoting a culture of compliance and exploring ways of cooperation</p> <p>3. Organisation of visitors groups to the CFCA building</p> | <p>CFCA has presented its work in front of all sorts of stakeholders: European fisheries industry, environmentalist NGOs such as PEW, scientists from STECF, etc.</p> <p>The CFCA has attended meetings of the RACs of areas relevant to its JDPs.</p> <p>EU MEPS, DG MARE representatives, local stakeholders, Spanish and Galician authorities, NGOs and scientists were received at the CFCA</p> <p>The website was completely revamped. The current website receives around 2000 visitors per month and it is in continuous development.</p> |
| <p>2. Target: General public</p> <p><u>Objective:</u> Support the Communication Strategy defined by the European Commission in the field of the Common Fisheries Policy and in particular Control and Enforcement</p> | <p>1. Developing a CFCA website</p> <p>2. Participation at the World Fishing Exhibition in Vigo</p> <p>3. Participation at the Seafood Exhibition in Brussels</p> <p>4. Taking part in CFP Communication related events</p> <p>5. Organisation of seminars and press trips on specific fisheries in partnership with different Member States, RACs and/or the European Commission for EU key journalists</p> <p>6. Developing visual and graphic guidelines for the CFCA</p> | <p>Together with DG MARE and EMSA hosted a EU stand. The CFCA organised a dedicated day to Europe. Around 200 attendees participated in the programme.</p> <p>The CFCA was present at the stand of the Commission with material and staff.</p> <p>It has given presentations on the Control reform and the role of the CFCA.</p> <p>Preparations are undergone for 2010.</p> <p>Finalised and into force.</p> |



| | | |
|--|---|---|
| <p><u>3. Target:</u> Local audience</p> <p><u>Objective:</u> Support the Communication Strategy defined by the European Commission in the field of the Common Fisheries Policy and in particular Control and Enforcement</p> | <p>7. Developing the necessary printed and promotional material</p> <p>1. Organise a contest for a young artist</p> <p>2. Organise a "Celebrating Europe in Vigo" event</p> <p>3. An informative session per year on European and Fisheries issues with European figures</p> <p>4. Participation in activities organised by the Commission Representation Office in Madrid</p> <p>5. Seminar for local industry and establishment of cooperation channels</p> | <p>Creation of fact sheets, brochures, gadgets, displays, stationery and training material.</p> <p>Paintings received from 12 Member States. The winning painting, "Casta", is displayed at the entrance hall of the CFCA building. An exhibition was organised at the Port.</p> <p>It was organised in cooperation with the City Hall, the Port Authority and the European Parliament. Around 100 guests attended. On the street, the CFCA held a stand. The event resulted in vast media coverage.</p> <p>On the 9th of May with the presence of MEPs, a Commission representative and the Spanish Minister of Fisheries</p> <p>Nothing concrete took place in 2009.</p> <p>The CFCA was invited to chair, moderate and intervene in several seminars organised by local industry. Relevant local stakeholders were invited to the CFCA.</p> <p>CFCA did presentations to the EP Fisheries Committee, the Council Working Group on Internal and External Fisheries, different EU agencies as well as Control authorities of different Member States.</p> |
| <p><u>4. Target:</u> Institutional actors</p> <p><u>Objective:</u> Have a fluent flow of information with the institutional actors while raising awareness about the Agency's work and mission in general</p> | <p>1. Presentation of CFCA's work and mission</p> | <p>CFCA did presentations to the EP Fisheries Committee, the Council Working Group on Internal and External Fisheries, different EU agencies as well as Control authorities of different Member States.</p> |



ANNEX IX. Declaration of the Executive Director



COMMUNITY FISHERIES CONTROL AGENCY

Executive Director

Vigo, 18 March 2010

Declaration of the Executive Director

I, the undersigned, Harm Koster, Executive Director of the Community Fisheries Control Agency,

In my capacity as Authorising Officer,

Declare that the information contained in this report gives a true and fair view.

State that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of the ex-ante controls, the ex-post controls, the recommendations from the European Parliament's Committee for Budgets and the lessons learned from the reports of the Court of Auditors for the year prior to the year of this declaration.

Confirm that I am not aware of anything not reported here which could harm the interests of the Agency and the institutions in general.


Harm KOSTER

ANNEX X. List of Acronyms and abbreviations

LIST OF ABBREVIATIONS

| | |
|----------|--|
| BFT | Bluefin Tuna |
| CA | Conventional Area |
| CFP | Common Fisheries Policy |
| CFCA | Community Fisheries Control Agency |
| ECA | European Court of Auditors |
| FDMC | Fisheries Data Monitoring Centre |
| FPV | Fisheries Patrol Vessel |
| IAS | Internal Audit Service |
| ICCAT | International Commission for the Conservation of the Atlantic Tuna |
| ICES | International Council for the Exploration of the Sea |
| ICT | Information and Communication Technologies |
| IUU | Illegal, Unreported and Unregulated fishing |
| JDP | Joint Deployment Plan |
| JISS | Joint Inspection and Surveillance Scheme |
| MCS | Monitoring, Control and Surveillance |
| MSY | Maximum Sustainable Yield |
| NAFO | Northwest Atlantic Fisheries Organisation |
| NAFO CEM | NAFO Control and Enforcement Measures |
| NEAFC | Northeast Atlantic Fisheries Commission |
| NGO | Non Governmental Organisation |
| RA | Regulatory Area |
| RAC | Regional Advisory Council |
| RFMO | Regional Fisheries Management Organisation |
| SG | Steering Group |
| SCRS | Standing Committee on Research and Statistics |
| TJDG | Technical Joint Deployment Group |
| VMS | Vessel Monitoring System |

