



Implementation of the Common Fisheries Policy in Germany

Audit of the Member State measures
for protecting aquatic resources

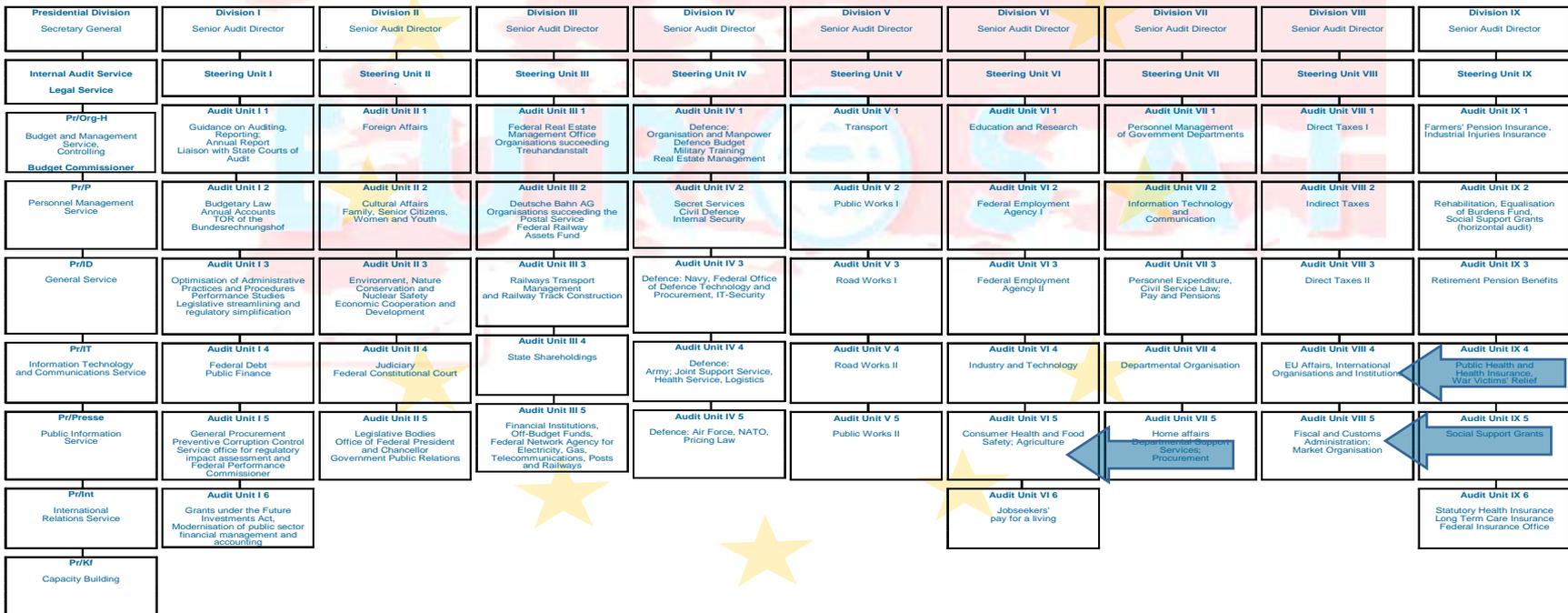
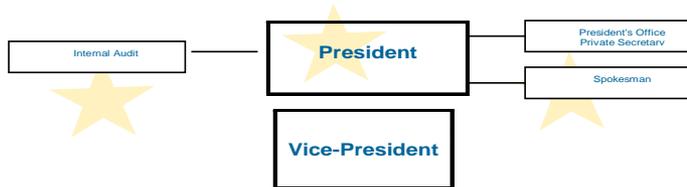
Development and Carrying out of GAP audits

Organisation Chart of Bundesrechnungshof

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as of January 2010

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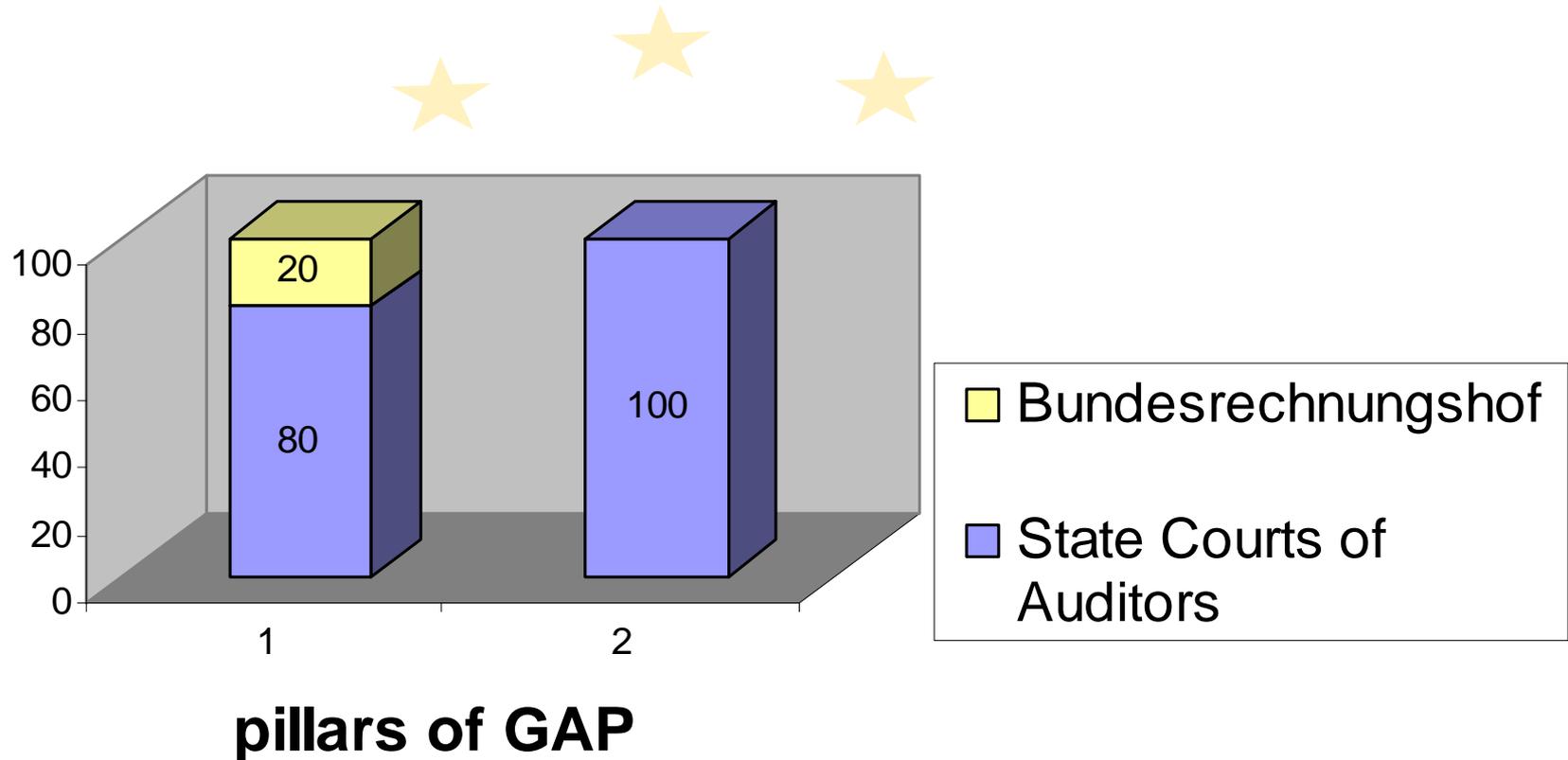
Article 20.1 of the German constitution

Germany is a federation:

- the 16 states form the Federal Republic of Germany
- states and Federal Republic have original sovereign power and statehood

Development and Carrying out of GAP audits

Allocation of Responsibilities



Development and Carrying out of GAP audits

Common Fisheries Policy (CFP)

- Council Regulation (EC) No. 2371/2002:
conservation and sustainable exploitation of
fisheries resources
- Council Regulation (EC) No. 1224/2009:
Community control system for ensuring
compliance with the rules of the CFP

Key measures:

total allowable catch (quotas)

Prerequisites:

- reliable and complete catch data
- effective inspection and sanction systems

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Monitoring and Enforcement

- incumbent on Member States
- Germany: shared responsibility
 - states:
 - monitoring on land and in territorial waters
 - Federal Government (FG):
 - at sea beyond 12 nautical mile limit
 - liaison with states

Audit objective

- looking at mission performance of Federal Office for Agriculture and Food (BLE):
 - effective monitoring of compliance with catch quotas?

Organisational units focused on

- unit responsible for regulating catches (18 posts)
- unit managing fishery protection vessels on behalf of Federal Ministry of Food, Agriculture and Consumer Protection (6 posts)

Substantive issues

- reliable and effectively monitored catch data?
- appropriate inspection systems?
- sustainable measures in case of infringements?
- impact of task sharing between FG and states?

Catch data

- European law requires recording from live weight of 50 kg
 - catch data of BLE cannot be complete
- catch quantities estimated by masters of vessels (errors $\leq 10\%$ permitted)
 - discrepancies between logbook and sales notes

Catch data (cont.)

- vessels < 10 m: not obliged to keep logbooks
 - monthly files only
 - receipts submitted by fisherman, compiled by responsible office of state, passed on to BLE
- difficult for BLE to detect fraud on the basis of data matches

Inspections at sea

- BLE makes operational timing for fishery protection vessels
- inspectors select route + vessels for inspection
 - mesh size, logbook entries, contents of the hold
- criteria for determining routes and selecting vessels?

Inspections on landing of catches

- incumbent on states, which
 - determine control intervals and approaches independently of each other
 - forward control data to BLE

Sanctions

- serious infringements need to be effectively sanctioned
- shared responsibility of FG and states
 - authority which detects the infringement imposes sanctions at its own discretion
- however: FG is responsible for taking appropriate steps in cases of non-compliance with the CFP

No easy task:

- EU regulation worded broadly
 - no appropriate steps for ensuring enforcement of CFP rules
 - unclear what sanctions constitute a deterrent
- additional need for coordination in Germany
 - FG and states act as partners of equal rank



Thank you for your attention!