



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D3/JR

Dear Mr López,

I would like to thank the Long Distance Advisory Council (LDAC) for the advice R-11-23/WG5 of 22 December 2023 in relation to the key role of fisheries observers and the imperative to ensure their protection.

I fully share the views expressed in your letter: fisheries observers on board fishing vessels play an essential role in the conservation and sustainable exploitation of fisheries resources through the collection of scientific data and the control of fishing activities at sea and every effort must be made to ensure their protection. I can reassure the LDAC that DG MARE services have a zero-tolerance policy regarding any instances of obstruction or intimidation to observers.

In your letter, you refer to a report including incidents involving Union fishing vessels. Two of the cases concern vessels operating under the purview of the North Atlantic Fisheries Organisation (NAFO). In both cases, due to safety concerns, the flag Member State took the decision to remove the observer on board, although only one of the instances involved a reported serious infringement with intimidation of the observer. However, in both cases the vessels were required to proceed immediately to port for a full inspection. The associated proceedings are ongoing under the jurisdiction of the flag Member State. As indicated in your letter, if the reported infringement is confirmed, the flag Member State must follow up on the case with effective, proportionate and dissuasive administrative or criminal sanctions, in accordance with Article 90(2) of the Control Regulation (Council Regulation (EC) No 1224/2009¹). My services have requested the flag Member State to provide DG MARE with information on the state of play of the enforcement with a view to monitor the proper application of Union law.

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006.

Mr. Ivan López
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Allow me also to highlight that the NAFO Observer Program was revised in 2023, an exercise which also aimed at improving the safety of the observers and where the European Union was the main contributor. The new set of provisions to ensure the protection of observers applicable as of 2024 include, *inter alia*, a new obligation of the master to provide the observer with unhindered, independent internet access on board at all times, unless the observer has a fully operational two-way satellite communication device. Protocols for the observer to safely and directly contact the flag State authorities and report safety concerns are now mandatory, and the definition of serious infringements relating to instances of obstruction or intimidation of the observers has been revised to make it clear that the definition applies not only during, but also prior and after the relevant observed fishing trip.

Regarding your call to protect observers and to ensure that they are supported, which is fully shared too, allow me to mention among the initiatives taken by the Commission, that my services have organised since 2020 an annual EU NAFO observers' workshop with the participation of observers, observer providers, EFCA, Member States' control authorities and staff from the NAFO Executive Secretary. The workshop included an agenda item on challenges and case studies, allowing participants to better identify the weaknesses and strengths of the observer program. The workshop has been key to improve the EU's implementation of the NAFO observers' program and to building a fruitful cooperation between observers, observer providers and fisheries control services.

The report mentioned in your letter also refers to an incident relating to a Union fishing vessel operating in the South Atlantic. Pending the outcome of the investigation of this fatal incident, the flag Member State authorities have clarified to DG MARE that the observer was a scientific observer without control tasks and were not aware of threats to the observer. This incident remains under investigation.

Finally, I would also like to highlight that, following the revision of the Control Regulation ⁽²⁾, the Commission will be empowered to adopt delegated acts concerning rules pertaining to the security of control observers. This will allow us to further strengthen the protection of observers.

I am looking forward to our continued fruitful cooperation. Should you have any further questions on this reply, please contact Ms Julia Rubeck, our Advisory Councils coordinator, via the functional mailbox MARE-AC@ec.europa.eu.

Yours sincerely,

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⁽²⁾ Regulation (EU) 2023/2842 of the European Parliament and of the Council of 22 November 2023 amending Council Regulation (EC) No 1224/2009, and amending Council Regulations (EC) No 1967/2006 and (EC) No 1005/2008 and Regulations (EU) 2016/1139, (EU) 2017/2403 and (EU) 2019/473 of the European Parliament and of the Council as regards fisheries control.